

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

JULY 22, 2014

PRESENT:

David Humke, Chairman
Bonnie Weber, Vice Chairperson
Marsha Berkgigler, Commissioner
Vaughn Hartung, Commissioner
Kitty Jung, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:08 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

14-0649 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: "Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole. "

Billy Howard spoke about the production of Foie Gras being cruel to ducks and geese. A copy of some information about Foie Gras production was placed on file with the Clerk.

Garth Elliott spoke about the purchasing of replacement motorcycles and how he believed the bidding process was influenced by the personal preferences of the person working on the bid. He said he also felt the motorcycles were being replaced too soon.

Sam Dehne agreed with the comments made about Foie Gras. He spoke about the decibel level decreasing during Hot August Nights and Street Vibrations over the last few years, voting, and the *Reno Gazette-Journal*.

Chairman Humke requested a moment of silence for Peter Simeoni, Washoe County Deputy District Attorney, and the 298 people who lost their lives in the crash of Malaysia Airlines Flight 17.

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AGENDA ITEM 5 - RESOLUTION

Agenda Subject: "Resolution--In support of Vietnam Veterans of America, local Chapter, Sierra Nevada Chapter 989. Requested by Commissioner Hartung."

Commissioner Hartung said we could assemble here today, because of what the veterans gave us and what they did for us every day. He thanked Allayne Donnelly for bringing this item to him. He read and presented the Resolution to the Vietnam Veterans of America - Sierra Nevada Chapter 989.

John Sheets, Sierra Nevada Chapter 989 President, said the Vietnam Veterans appreciated and accepted the Resolution with honor. He stated they would continue to help any veteran of any war in need of assistance at any time.

Rick Shuster, Sierra Nevada Chapter 989 Board of Directors Chairman, spoke about the Chapter's mission statement, goals, assistance programs, and community outreach functions. He stated they were a volunteer, non-profit organization that depended on donations, and he listed the other service organizations they partnered with.

In response to the call for public comment, Sam Dehne said he was thankful the Vietnam Veterans were finally getting their due. He stated he turned \$100 into \$7,200 at a Reno City Council meeting, which he gave to the programs for the Vietnam Veterans. He stated he was putting \$100 to those programs today, which he hoped the Commissioners would match.

Garth Elliott said he was grateful the Commissioners were showing this level of honor to the Vietnam Veterans, but he asked them to dig deeper into what Washoe County did for them. He spoke about the veterans living on Bureau of Land Management (BLM) land in little camps, because they had no other place to go.

Rick Shuster accepted Mr. Dehne's \$100 on behalf of Chapter 989.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5 be approved.

AGENDA ITEM 6 - RESOLUTION

Agenda Subject: "Resolution of Appreciation--Recognizing Mr. Bruce Osgood. Requested by Commissioner Hartung."

Commissioner Hartung said he saw Bruce Osgood picking up trash along Pyramid Highway virtually every day no matter what the weather. He thanked Mr. Osgood for what he did for the community. He read and presented the Resolution of Appreciation to Mr. Osgood. Mr. Osgood offered his thanks to the Commissioners for the Resolution.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 6 be approved.

14-0652 AGENDA ITEM 4 – ANNOUNCEMENTS

Agenda Subject: "Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas, Statements Relating to Items Not on the Agenda and any ideas and suggestions for greater efficiency, cost effectiveness, and innovation in County government. (No discussion among Commissioners will take place on this item.)"

John Slaughter, County Manager, said Tom Johnson sent an e-mail thanking Lynn Sato in the Assessor's Office for her help in preparing his first Declaration of Personal Property for his business, which helped him avoid the mistakes first-year business owners often made.

Commissioner Weber said she attended the National Association of Counties (NACO) annual conference in New Orleans, LA. She stated she would provide the highlights of the conference to the Commissioners at a later date.

Commissioner Jung asked that the County's building-rental contracts be revisited, so it could be ensured the County had more authority on what activities occurred in the buildings. She said regarding the purchasing authority and preferences by staff as it related to purchasing goods and services with tax dollars, she stated the best practices should be looked at when spending tax dollars to purchase products.

Commissioner Jung requested the people present for resolutions or proclamations be given information on where the video of the meeting could be viewed, along with the web site where any photos taken could be found. She stated she had a question from the Builder's Association of Northern Nevada regarding the status of the County's managed competition policy and what the next steps would be if that was the direction the Commission wanted to go.

Commissioner Hartung felt it would be a good idea to have a discussion regarding several of the issues Commissioner Jung brought up. He noted the Nevada Lands Management Task Force was ready to send its recommendations to the Legislative Counsel Bureau (LCB), and he was looking forward to see what would come out of the LCB.

Commissioner Berkbigher requested staff give the Board a presentation regarding their review of the County's sign ordinance. She stated she believed there was an idea on how to change mailing sample ballots to a post office in an outlying area, so there would not be a repeat of sample ballots not being delivered as happened in Incline

Village during the Primary Election. She requested a meeting with legal counsel regarding issues with the Aces' baseball stadium. She said she wanted an explanation as to why the County had bonds if it had no authority over the stadium, and why property taxes had to be paid if the stadium was owned by the City of Reno.

Commissioner Weber agreed that the history of the baseball stadium should be brought before the Board, because it all happened years ago. She also wanted a report on how the Vidler Water Company (Fish Springs) pipeline started and how it affected Washoe County.

Chairman Humke said he attended an Artown event at Bartley Ranch, and he was proud the County was involved in Artown. He stated he also attended a Citizen Advisory Board (CAB) meeting for District 2. He said a question was posed asking where the Sheriff's Office patrols were, because the citizens did not see them in the unincorporated area very often. He stated there was a lot of concern about crime and crime prevention, and he requested a report on that item. He thanked the Vietnam Veterans of America - Sierra Nevada Chapter 989 for being present today, and noted they represented all branches of the armed services.

Commissioner Hartung congratulated the Governor on having a successful 46th Annual Governor's Dinner, which Andre Agassi attended.

Chairman Humke said Mr. Agassi was born in Nevada. He stated Mr. Agassi raised \$175 million to fund a charter school in the Las Vegas area, which was now spreading across the country, so all kids had a great chance at a great future.

14-0653 AGENDA ITEM 7 - APPEARANCE

Agenda Subject: "Joy Guinn, Secretary, Nevada Chapter of the American Public Works Association. Presentation of Project of the Year Award Spring 2014 For Environmental Projects Under \$5 Million from the Nevada Chapter of the American Public Works Association for Fairview/Fairway Phase III Water Quality Improvement Project. (Commission District 1.)"

Joy Guinn, Nevada Chapter of the American Public Works Association Secretary, provided a brief overview of the Association and the criteria used to select the Fairview/Fairway Phase III Water Quality Improvement Project for the Project of the Year Award Spring 2014 For Environmental Projects Under \$5 Million.

Ms. Guinn presented the award to Kris Klein, Engineering and Capital Projects Division Sr. Licensed Engineer, who was the Project Manager, and to the design consultant, NCE. Ms. Klein discussed the project, which would go towards meeting the County's Lake Tahoe Total Daily Load. She stated it was estimated the project would provide 16 percent of the credits needed for the first five-year reduction. She thanked the Association for the award, and noted it was the fourth award received by the County since 2004 for a water quality project.

There was no public comment or action taken on this item.

CONSENT AGENDA – ITEMS 8A THROUGH 8K

Items 8G(3) and 8I(1) were pulled from the Consent Agenda for separate discussion.

14-0654 AGENDA ITEM 8A

Agenda Subject: "Approve minutes for the Board of County Commissioners' June 17 and June 24 meetings."

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8A be approved.

14-0655 AGENDA ITEM 8B

Agenda Subject: "Cancel August 19, 2014 County Commission meeting."

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8B be approved.

14-0656 AGENDA ITEM 8C – ASSESSOR

Agenda Subject: "Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2013/2014 secured tax roll; authorize Chairman to execute the changes described in Exhibit A; and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease \$11,608.34]. (Parcels are in various Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8C be approved, authorized, executed, and directed.

14-0657 AGENDA ITEM 8D – HUMAN RESOURCES

Agenda Subject: "Approve reclassification requests of a vacant part-time Legal Secretary, pay grade I, to a part-time 45% full time equivalency Account Clerk II, pay grade H, (Juvenile Services); and a vacant Heavy Equipment Operator, pay

grade I, to a Safety/Training/EOC Coordinator, pay grade K (Community Services) as evaluated by the Job Evaluation Committee. [Net annual cost of these actions is estimated at \$8,425]. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8D be approved.

14-0658 AGENDA ITEM 8E – DISTRICT COURT

Agenda Subject: "Retroactively acknowledge the grant award [\$15,000, no County match required] effective July 1, 2014, through June 30, 2015 from the Lee F. Del Grande Foundation to the Second Judicial District Court for "Family Peace Center Track Expansion"; and direct the Comptroller to make the appropriate budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8E be acknowledged and directed.

14-0659 AGENDA ITEM 8F – JUVENILE SERVICES

Agenda Subject: "Approve Interlocal Contract between the Department of Health and Human Services (Division of Health Care Financing and Policy) and the County of Washoe (Juvenile Services) to authorize Juvenile Services to accept Targeted Case Management reimbursements for FY 2015-2018 services from Nevada Medicaid. The Department estimates reimbursements of \$20,000 to \$30,000 per month. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8F be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

14-0660 AGENDA ITEM 8G(1) – COMMUNITY SERVICES

Agenda Subject: "Approve to postpone the public hearing for Appeal Case Number AX14-002, appealing a denial by the Board of Adjustment of Variance Case Number VA14-004 (Grable Ronning) until September 23, 2014. (Commission District 1.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8G(1) be approved.

14-0661 AGENDA ITEM 8G(2) – COMMUNITY SERVICES

Agenda Subject: "Approve a Water Rights Deed conveying title to 506.784 acre feet of Wells Creek water rights under permit 78563, and 69.20 acre feet of Truckee River water rights under permit 78564 from Washoe County to the Reno Sparks Convention and Visitors Authority (RSCVA); and, authorize the Truckee Meadows Water Authority to credit any potential excess water rights resulting from a possible water consumption audit at the Reno Sparks Convention Center to the RSCVA for their future use within the region. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8G(2) be approved and authorized.

14-0662 AGENDA ITEM 8G(4) – COMMUNITY SERVICES

Agenda Subject: "Approve Agreement between Washoe County and the Sierra Nevada Performing Arts Association, to hold the Reno Tahoe Music Festival special event at Bartley Ranch Regional Park on September 20-21, 2014, with a renewal option for 2015 and 2016. (Commission District 2.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8G(4) be approved.

14-0663 AGENDA ITEM 8G(5) – COMMUNITY SERVICES

Agenda Subject: "Approve Agreement between Washoe County and Celtic Celebration Inc., to hold the Celtic Celebration special event at Bartley Ranch Regional Park on October 4-5, 2014, with a renewal option for 2015 and 2016. (Commission District 2.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8G(5) be approved.

14-0664 AGENDA ITEM 8H(1) - MANAGER

Agenda Subject: "Accept 2013 Supplemental Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management [\$20,000, requires a match of \$20,000] by applying the salary expense of Washoe County Sheriff Search and Rescue positions; retroactive for the period of June 26, 2014 through August 31, 2014; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8H(1) be accepted and directed.

14-0665 AGENDA ITEM 8H(2) - MANAGER

Agenda Subject: "Approve (retroactive to July 1, 2014) Washoe County, Nevada Grant Program Contracts FY 2014-2015 for Washoe County Special Purpose grants in the following amounts: Incline Village General Improvement District [\$50,000]; Economic Development Authority of Western Nevada [\$41,300]; Access to Healthcare Network [\$31,500]; Incline Village Community Hospital Foundation [\$27,000]; and approve grants to Silver State Fair Housing Council [\$10,000]; Tahoe Prosperity Center [\$5,000]; and Western Nevada Development District [\$5,500]; approve Resolutions necessary for same, and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)"

Commissioner Weber requested this item be continued to a future meeting due to her concerns about funding the special purpose grants. She stated she had a hard time with Incline Village getting \$82,000, and she felt there needed to be a discussion by the Board regarding the special purpose grants.

Commissioner Jung stated she also had concerns about the special purpose grants. She said she went to the Incline Village Senior Center, which was a luxurious facility compared to what was offered to seniors in the valley. She asked for a full accounting of how much money from the Older American's Act was going to Incline Village. She also wanted to know how they even qualified when they had their own private club and beaches. She felt the grants might need to be revisited and revamped, because there appeared to be some real inequities and the money could be spent for a needier population than that of Incline Village. She said she meant no disrespect to Commissioner Berkbigler, but she would like to take her on a tour of some of the Senior Centers in the outlying areas, because it would be a whole different experience. She was aware the people in Incline Village paid a special tax to have their nice facilities, but she did not understand how they qualified for such money from a government agency that represented all 420,000 of the County's constituents.

Commissioner Berkbigler noted part of the money went to the Incline Village Hospital Association. She said she favored having a discussion, because she wanted to know what the Incline Village General Improvement District (IVGID) did with the money.

There was no public comment on this item. This item was pulled and would be brought back on a future agenda.

14-0666 AGENDA ITEM 8I(2) - SHERIFF

Agenda Subject: "Approve funding [\$15,000, no match required] provided by the Reno Police Department through their grant award 14-JAG-23 through the Justice Assistance Grant program, Office of Criminal Justice Assistance for overtime costs associated with the Regional Gang Task Force activities. Grant period is retroactive to 7/1/14 through 6/30/15; and authorize the Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8I(2) be approved and authorized.

14-0667 AGENDA ITEM 8J - SHERIFF

Agenda Subject: "Accept monetary donation to Washoe County Sheriff's Office [\$5,400] from Reno Municipal Court to be used to assist in drug enforcement efforts; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)"

On behalf of the Board, Commissioner Jung thanked the Reno Municipal Court for their generous donation.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8J be accepted and directed.

14-0668 AGENDA ITEM 8K – SOCIAL SERVICES

Agenda Subject: "Accept cash donations [\$1,386.10] for the period of April 1, 2014 through June 30, 2014; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)"

On behalf of the Board, Commissioner Jung thanked the various donors for their generous donations.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8K be accepted and directed.

BLOCK VOTE

The following Agenda Items were consolidated and voted on in a block vote: 10, 11, 12, 13, and 16. Commissioner Hartung made the motion for the block vote, but left the meeting while the County Manager read the items into the record, therefore he was absent for the vote.

14-0669 AGENDA ITEM 10 - COMPTROLLER

Agenda Subject: "Recommendation to approve a resolution directing the Clerk to notify the Washoe County Debt Management Commission of the County's proposal to issue its Washoe County, Nevada General Obligation (limited tax) Building Bonds (additionally secured by pledged revenues) in the maximum principal amount of \$12,000,000 for the Medical Examiner's building; providing certain details in connection therewith; and providing the effective date hereof. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 10 be approved. The Resolution for same is attached hereto and made a part of the minutes thereon.

14-0670 AGENDA ITEM 11 – DISTRICT COURT

Agenda Subject: "Recommendation to authorize payment to Xerox [not to exceed \$198,604.48 and \$204,562.61 for fiscal years 2014-15 and 2015-16 respectively] for annual maintenance and support agreement for the Second Judicial District Court's case management system; and direct the Comptroller to make the appropriate budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 11 be authorized and directed.

14-0671 AGENDA ITEM 12 – DISTRICT COURT

Agenda Subject: "Recommendation to acknowledge the direct grant award from the Substance Abuse and Mental Health Services Administration (SAMHSA) to the 2nd Judicial District Court to support the Re-Entry Court [\$226,647, no in-kind match required] for the budget period of August 1, 2014 to July 31, 2015; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 12 be acknowledged and directed.

14-0672 AGENDA ITEM 13 – COMMUNITY SERVICES

Agenda Subject: "Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Melarkey Way Water Main Extension Project recommended [Reno Taffee Construction, Inc., \$142,166.87]. (Commission District 2.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 13 be awarded and approved.

14-0673 AGENDA ITEM 16 – COMMUNITY SERVICES

Agenda Subject: "Recommendation to approve Amendment 1 to the Agreement for Consulting Engineering Services between Washoe County and CH2M Hill, Inc. to provide engineering design services for the South Truckee Meadows Water Reclamation Facility Solids Management Project [\$178,000]. (Commission District 2.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 16 be approved.

11:30 a.m. The Board convened as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners with Commissioner Hartung absent.

11:50 p.m. The Board adjourned as the TMFPD/SFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners with all members present.

14-0674 AGENDA ITEM 8G(3) – COMMUNITY SERVICES

Agenda Subject: "Approve a request to initiate proceedings to amend the Washoe County Code (Chapter 95 – Parks and Recreation) pursuant to a request by Commissioner Hartung; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040. (All Commission Districts.)"

Commissioner Weber said this item should have a clear agenda description, because anyone looking at this item would not know it was about reserving the County's park facilities. She said the Summary in the staff report said, "...to address but not limited to the use of reserving park facilities," which would have let the public know what the Commission would be discussing if it had been included as part of the agenda subject.

Commissioner Hartung said one of the events that triggered his request to change Chapter 95 was some kindergarteners spent some time at the Spanish Springs Library and went over to the Lazy 5 Regional Park to have lunch. He stated they were told they could not have lunch there because the space had not been reserved, even though it was completely empty. He stated he requested a review of Chapter 95, Sections 300, 370, and 380. He said Section 300 was intended to address organized sports, but he felt it needed some clarification because it could pertain to a small group of friends just wanting to play a game of tag football.

Commissioner Weber agreed with Commissioner Hartung, because there had been an instance at the North Valleys Water Splash Park and a couple of instances in other places. She stated it was about how people reserved tables and how long a timespan the reservations covered. She said there were concerns people were reserving one of the spots at the Regional Shooting Facility for the whole day, but were only using it for several hours. She said the Facility's staff needed to be able to change the way the reservations were made. She also felt the fees were too high for reserving the County's facilities.

Commissioner Weber said she was not sure the discussion should be held by this Board or if it should be held by the Washoe County Open Space and Regional Parks Commission and for them to make recommendations to this Board.

Commissioner Berkbigler said the photography fee issue also needed to be looked into.

Commissioner Jung said as the Commission's liaison to the Parks Commission, she would be happy to bring those issues to them. She stated the Parks Commission also had an issue with the park rental fees, and they asked staff to come back with what would be the fee sweet spot. She said regarding the fees charged for a professional photographer versus a nonprofessional, when the City of Sparks wanted to have artists or street entertainers get a business license, it was thrown out as being a First Amendment infringement. She stated clearly the County did not want professionals making money off of a public owned facility, but people should not be limited to the point where it infringed on their rights. She said this issue should be fully vetted so the County would not be sued, because she was tired of that happening.

Commissioner Hartung said filming with a professional cast was under Chapter 95.480. He suggested having the Parks Commission go through the issues and then the Board could go from there.

Chairman Humke advised a request for drafting an ordinance was a serious and costly undertaking. He said staff would have to create the draft and then they would have to take it to the District Attorney's Office for it to be put into defensible language. He felt it should be a policy decision to even enter into the effort to change the ordinance. He said staff was quite busy, especially since the Regional Parks and Open Space staff had been cut 40 percent during the economic downturn, and the department had not yet been able to replace the cut positions. He stated he was not saying the County should never change an ordinance, but was saying this Board should have the policy discussion and should decide as a body on what changes to make.

Chairman Humke stated one of the parks in his district was deed restricted, which did not allow any organized sports to be played there. He said changing the ordinance would not change that deed restriction. He stated he did not know if that applied to many of the parks the County acquired or not. He said the Board of County Commissioners had an obligation to use the County's Boards and Committees, and this would be a very appropriate use for the Parks Commission, especially regarding the fees.

Commissioner Hartung agreed. He said he would be happy to supply Commissioner Jung with the documentation given to him, so she could relay what happened to the Parks Commission. He stated some employees read and followed the Code to the letter, which was not a fault with the Code or with the employees, because language was in the Code. He felt in some instances, it could be taken too far. He said the Code had to be clarified, and he believed the Parks Commission was the perfect place to start.

Commissioner Jung stated staff came from a place of saying "no," because it was the only place they could come from. She said she wanted to have a discussion soon on what it meant to be a public servant and providing customer service. She felt there needed to be a culture change from the top down. She stated if staff found they were continually saying "no," it would be incumbent on them to bring that information to the management team, so it could be determined if any necessary changes needed to be

made; but she did not see a lot of that happening. She said she felt during job interviews, the person being interviewed should be asked what their customer service background was, because it was the number one quality that should be looked for in a public servant.

Commissioner Weber said when cutting staff to get us through the bad economy, the County Manager said it would be important to have a conversation on what was learned. She asked if that conversation ever happened and, if it had not happened, it should. She agreed we needed to get away from the culture of saying "no" and staff needed to use common sense if there was no reservation for a spot and someone wanted to use it. She knew some managers had done that and that was the type of thinking that needed to be encouraged.

Chairman Humke said the vast number of employees came from a position of saying "yes," and exercised discretion and initiative. He stated the County hired smart and effective people, and he felt this problem could be figured out. Commissioner Weber said she did not mean to make it sound as if everyone was coming from a position of saying "no." She said looking to the future and making positive changes was good for everyone.

Mr. Slaughter said staff understood the direction and looked forward to a motion that would send this to the Parks Commission, while moving forward the proceedings to amend Chapter 95.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigger, which motion duly carried, it was ordered that Agenda Item 8G(3) be approved and directed.

Chairman Humke asked if the Commissioners were open to sending additional items to the Parks Commission for discussion if they arose. Commissioner Hartung replied absolutely. Chairman Humke saw that as being consistent with the motion.

14-0675 AGENDA ITEM 8I(1) - SHERIFF

Agenda Subject: "Approve the Forensic Support Services Agreements between Washoe County on behalf of the Washoe County Sheriff's Office Forensic Science Division and various Local Law Enforcement Agencies: Carlin PD \$5,314; Churchill Co SO \$19,485; Douglas Co SO \$51,960; Elko Co SO \$54,049; Elko PD \$49,893; Eureka Co SO \$3,000; Fallon PD \$25,435; Humboldt Co SO \$24,527; Lander Co SO \$3,179; Lovelock PD \$3,634; Lyon Co SO \$95,835; Mineral Co SO \$1,771; Pershing Co SO \$6,359; Sparks Fire Department \$1,500; Storey Co SO \$20,666; Washoe County School PD \$23,618; Western Shoshone Tribal PD \$3,000; Winnemucca PD \$31,339; Yerington PD \$3,000 for Forensic Laboratory Analysis

Service fees, retroactive for the term of July 1, 2014 to June 30, 2015 with an income of [\$427,564]. (All Commission Districts.)"

Commissioner Hartung said he did not see the City of Sparks or the City of Reno in the list of Forensic Support Services Agreements for approval.

Commissioner Berkbigler noted the entities in this item were being provided services and were paying Washoe County for those services. She felt it was clear the amounts the County was charging were reasonable. She said forensic services were important for solving crimes in this day and age.

Chairman Humke felt this item should be pulled without entering into the agreements. Commissioner Berkbigler noted the agreements were with entities that were paying their bills. She asked if the agreements were expiring, and should we approve them and worry about the other issue later. Mr. Slaughter said after the discussion during the Consent Agenda, he found out these agreements would be retroactive back to July 1st and the billing rate for each of the agencies was not impacted by the other agencies not paying their bills. He stated the agreements with the City of Sparks, the Inspector General's Office, the University of Nevada, Reno, and the Truckee Meadows Community College would be coming forward soon. He said the recommendation was to put the agreements before the Board into place.

Chairman Humke said the forensics lab was doing great work. Commissioner Hartung stated he wanted everyone to know how good the County's forensics lab was. He said that and the fact that the lab's rates were reasonable was why everyone wanted to do business with them. He stated the forensic lab helped make cases, which was important for the criminal justice system.

Commissioner Jung encouraged her fellow Commissioners to take a tour of the forensics lab. She said the brain trust at the lab was phenomenal.

There was no public comment on this item.

On motion by Chairman Humke, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 8I(1) be approved. The Forensic Support Services Agreements for same are attached hereto and made a part of the minutes thereof.

14-0676

AGENDA ITEM 18 – COMMUNITY SERVICES

Agenda Subject: "Board discussion and direction to staff concerning specific language for a County sponsored amendment to the Truckee Meadows Regional Plan for the purpose of clarifying Regional Plan Policy 1.3.3, relating to the establishment of non-residential uses (commercial, industrial) in the unincorporated County. (All Commission Districts.)"

Bill Whitney, Planning and Development Division Director, said the staff report laid out why the Regional Plan Policy 1.3.3. did not work. He stated anytime expanding industrial in the unincorporated County within the Truckee Meadows Service Area (TMSA) was looked at, the Regional Planning Commission (RPC) had a difficult time finding any Master Plan change to industrial in the unincorporated County in conformance with the Regional Plan, because Policy 1.3.3. was not implementable or workable. He said staff was asking for direction on what to take forward to the RPC as a Regional Plan amendment to deal with Policy 1.3.3. He stated the options were to amend the language or delete Policy 1.3.3. He noted during the last update of the Regional Plan, the recommendation was to delete Policy 1.3.3., but it was not dealt with during that minor update.

Mr. Whitney said the RPC got together with the Cities of Reno and Sparks and other entities and hired a firm to do an industrial land-use needs analysis. He stated the recommendation that came out of that analysis was to change Policy 1.3.3. to be more workable and implementable. He said the analysis also found the region did not have many large industrial sites with infrastructure available for development. He stated making Policy 1.3.3. more flexible would allow the County an opportunity for more industrial development in the unincorporated County within its TMSA, while keeping the limitations on industrial in the Regional Plan that focused the majority of the industrial land within the Cities of Reno and Sparks.

Commissioner Hartung said he personally would like to see Policy 1.3.3. deleted, even though he recognized a language change would be more doable. He stated Policy 1.3.3 did not benefit the region as a whole, especially based on the analysis done.

Commissioner Berkbighler said since Mr. Whitney dealt with Policy 1.3.3. all the time, she asked if he had a preference on which option would be best. Mr. Whitney replied his recommendation was to amend Policy 1.3.3., and page 4 of the staff report contained the possible amended language. He stated with the proposed changes, Verdi could expand a little while Cold Springs was limited due to its boundaries, so the only real opportunity for industrial expansion was in Spanish Springs.

Commissioner Berkbighler said she did not like the RPC, because she disagreed with them being able to tell the County what it could do with its land. She felt sprawl should be left in the hands of the people responsible for growing business in this community. She stated business would grow only if there was a space for it to grow and the regulations did not prohibit that growth. She said she would like to see Policy 1.3.3. go away but, since that was not likely to happen, she agreed with the proposed amendments.

In response to the call for public comment, Bob Sader said he was representing KAWCO Properties. He stated there was land in Spanish Springs, most of which was owned by KAWCO Properties, which could be considered for a zoning change to industrial. He said his purpose in testifying was to put some faces on this issue. He stated the interplay between the Spanish Springs Area Plan, the commercial cap, and

the Regional Plan was there was a moratorium on industrial and commercial expansion of any kind. He said that moratorium had been in place since June 2011, when the RPC's staff stated they would not consider any further amendments based on Policy 1.3.3. He stated that put KAWCO in the position of not being able to request a zoning change. He said representatives of KAWCO sat through recent meetings on this issue with the RPC and the City of Sparks. He stated based on those meetings, they believed the best course would be to amend Policy 1.3.3. He said this would be a fight, would be a divided vote, and would probably have to go to the Regional Planning Governing Board (RPGB).

Commissioner Weber said Mr. Sader stated in June 2011, the RPC put a moratorium on expanding industrial areas. Mr. Sader said the interplay here was with Policy SS.17.2.c of the Spanish Springs Area Plan, which was called the commercial cap in the staff report. He said a land use percentage was imposed in the Spanish Springs Area Plan Cap many years ago. He stated that cap was reached several times, but was made larger by the actions of the Planning Commission and the County Commission. He said it was then taken to the RPC where it was considered under Policy 1.3.3. and was found in conformance. He stated what changed in 2011, was the County Commission deleted the cap and took it to the RPC for conformance. He said their staff indicated the deletion would not be considered, because it could not be considered in conformance with Policy 1.3.3. He stated at that time RPC's staff wanted an amendment to Policy 1.3.3. brought forward, because they did not know what it meant; but that had not yet happened.

Commissioner Weber asked if it could have gone back to the Governing Board, or would staff not even let it go any further. Mr. Sader said what happened was staff's position was it could not even be considered for conformance review because it was out of compliance and the County's staff did not push the issue. Commissioner Weber said there were new members on the Governing Board and maybe there would be a different appetite now. Mr. Sader said it was anticipated if Policy 1.3.3. was amended, the deletion of SS.17.2.c could be considered in conformance. Commissioner Weber said she wanted to do what was best for everyone in the quickest way possible, so people wanting to expand or bring business here would not be held back.

Mr. Whitney said the industrial land-use analysis done as a regional effort came to quite a few conclusions and showed there was a shortage of large-lot industrial areas ready to be developed. He stated there were quite a few smaller industrial parcels ready to be developed or redeveloped, many of which were in the Cities of Reno and Sparks. He said it pointed out some good reasons on why Policy 1.3.3. should be made more flexible and implementable.

Mr. Whitney advised the Master Plan amendments to the Regional Plan were done once a year. He said staff gathered together the amendments sometime during the summer and processed them. He stated getting direction from the Board today would allow him to submit a plan amendment to the Regional Plan, so it could be included in this summer's grouping. He noted the language in page 4 of the staff report was vetted by

a lot of different people, and was something he could be directed to take forward to the RPC as a Regional Plan amendment.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Policy 1.3.3. be changed to reflect the language on page 4 of the staff report.

1:55 p.m. The Board recessed.

3:01 p.m. The Board reconvened with Commissioners Jung and Weber absent.

3:02 p.m. Commissioners Jung and Weber returned.

14-0677 **AGENDA ITEM 14 – COMMUNITY SERVICES**

Agenda Subject: "Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Lemmon Valley Wastewater Treatment Plant Rehabilitation Project recommended [Fair Construction Corp., \$429,360]. (Commission District 5.)"

Commissioner Hartung noted the engineer's estimate was very accurate for Agenda Item 13, but was off by \$48,396 for this item and by \$66,000 for Agenda Item 15; and he wondered why there was such a disparity. Dwayne Smith, Engineering and Capital Projects Division Director, explained the engineer's estimate was a tool used to help evaluate the project based on the budget and to evaluate the bids when they came in. He said when the bids were opened and reviewed, the engineer's estimate would be used to look at the submittals and with them, did they make sense, was everything captured, or was there an issue. He stated if the engineer's estimate was significantly different, but the bids were grouped, it was obvious there was something that had not been caught when the estimate was prepared.

Commissioner Hartung said for Agenda Item 15, the lowest bid appeared to be \$446,000, which could still be off by 20 percent that could be for a 20 percent contingency. Mr. Smith said there were always plans for a contingency, but it was not always a set percentage. He stated one of the ways the contingency was planned for was through the award process where there was latitude for change orders, but that latitude was capped at 5 percent of the project's value or \$25,000 based on whichever was greater. He said if a change order for a project went over that cap, he would bring the overage to the Board for approval. He stated contingencies such as that were built in to allow managing the projects effectively. Commissioner Hartung said he knew how accurate staff could be and the differences made him take a step back and ask if Agenda Item 14 and 15 had not been looked at closely enough, especially since the engineer's estimate for Agenda Item 13 was \$1,493.13 over the bid. He felt the numbers the estimates were off by were fairly substantial. Mr. Smith said other agencies had been seeing increases in the costs for some elements in certain projects and they were adjusting for those differences, while being respectful of the budget and of the bid review process.

3:05 p.m. Chairman Humke left the meeting during the above discussion, and Vice Chairperson Weber assumed the gavel.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 14 be awarded and approved.

14-0678 AGENDA ITEM 15 – COMMUNITY SERVICES

Agenda Subject: "Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Detention Center House Three Air Handler Replacement Project recommended [Mt. Rose Heating & Air, \$446,000]. (Commission District 3.)"

See the discussion for Agenda Item 14.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 15 be awarded and approved.

14-0679 AGENDA ITEM 17 – COMMUNITY SERVICES

Agenda Subject: "Recommendation to adopt and execute a "Resolution of Support National Land and Water Conservation Fund Outdoor Recreation Legacy Partnership Program" for a joint grant application with the City of Reno requesting funding for the North Valleys Recreation Partnership Project, through the National Land and Water Conservation Fund Outdoor Recreation Legacy Partnership Program [\$250,000 County match from Sierra Sage Water Rights proceeds and \$250,000 City of Reno match from Residential Construction Tax Funds]. (Commission District 5.)"

Jennifer Budge, Planning and Development Division Park Planner, said this was a resolution of support for a joint grant application with the City of Reno requesting funding for the North Valleys Recreation Partnership Project. She stated Washoe County would be the fiscal agent if the grant was secured. She said it was a nationally competitive grant program and we would be the only applicant for this grant program in Nevada. She said the County had previously received over \$2 million from the grant program, but not in the nationally competitive round. She stated the grant would be difficult to achieve, but staff was hopeful. She stated staff was trying to leverage what money was left in the Water Rights Proceeds Funding to maximize what could be done.

3:10 p.m. Chairman Humke returned.

Vice Chairperson Weber agreed getting this grant would be awesome, but she wanted to be assured no money would be taken out of the \$1 million from the Sierra Sage Water Rights Proceeds. Ms. Budge replied the \$1 million set aside for operations and maintenance was intact. She stated the \$250,000 match would be part of the Phase V construction money, which had approximately \$1.1 million remaining in that fund.

Commissioner Hartung asked if we knew if the City of Reno's funding was available, because they were looking for every single dollar right now. Ms. Budge said the match would come from the City of Reno's Residential Construction Tax Fund, which was earmarked for new neighborhood park construction and was the only thing that money could be spent on. She stated the fund had \$1.1 million in it for this park district and \$250,000 was earmarked as the match for this grant.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 17 be adopted and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

3:12 p.m. Chairman Humke assumed the chair.

14-0680 AGENDA ITEM 19 – COMMUNITY SERVICES

Agenda Subject: "Recommendation for direction to staff on a process for policy level decisions related to the merger of the Washoe County Water Utility and the Truckee Meadows Water Authority; and possible assignment of Commissioners to be Liaison to the implementation team. (All Commission Districts.)"

Dave Solano, Community Services Director, said this item came up while staff was implementing the action plan for the merger of the Washoe County Water Utility and the Truckee Meadows Water Authority (TMWA). He stated things were coming up during the process that staff felt should have Board oversight, because he felt the agreement with TMWA did not give him the authority to make policy-level decisions on behalf of the Board. He said staff was looking for an expedited way to move those types of decisions forward, because getting an item on the Board's agenda could take three to five weeks. He said he hoped there could be some discussion about a way the internal team could approach the County Manager or a Commissioner to bounce ideas off of them and get a broad idea of whether that was the direction the Commission would like to go, which would allow moving forward. He stated this was an attempt to try and get out ahead of something that could extend the time it took to do the consolidation.

Commissioner Hartung noted the staff report said one possibility would be to establish two Commissioners as liaisons that staff could bring policy items to for

discussion prior to doing the planning and due diligence necessary to prepare for the final merger agreement. Mr. Solaro said that was some of the initial thinking about a process that might work. He stated he did not get a lot of feedback from Legal Counsel whether that would be an Open Meeting Law violation.

Commissioner Hartung asked if there would be any impropriety if one or both of the Commissioners served on TMWA. Paul Lipparelli, Legal Counsel, said it would not be a problem if the County Commission's delegates to TMWA were involved, because the members of TMWA's Board would have to vote on the merger. He stated if there was a conflict, it was built in and there was nothing anybody could do about it. He said if the Board designated its members to be available to give direction to staff, potentially that could be looked at as a subcommittee that would have to meet under the Open Meeting Law. He said Mr. Solaro was identifying the problem and asking if the Board had any preference on how to react to staff's need for immediate direction during the negotiations.

Commissioner Hartung said one or two Commissioners was not a quorum. He stated the Board had designated Commissioners in the past to have conversations with entities about various community issues. He stated there had never been a violation of the Open Meeting Law with respect to those kinds of conversations. Mr. Lipparelli replied it was permissible to establish liaisons to gather information. He stated the Board designating one or more Commissioners as a decision-making body would be empowering a subcommittee, which would need to meet under the Open Meeting Law.

Chairman Humke asked about having the Commissioners rotate. Mr. Lipparelli said there had been a gap in legal coverage over the last several weeks regarding the water issues, so Mr. Solaro had not had the benefit of being able to bounce some of these ideas off of legal counsel. He stated in other situations, the Chairman of other public bodies had served in this role from time to time. He said that was because it was usually the presiding officer who had the most control over the future agendas of the public body. He said having the team talk to the Chairman to identify issues that would have to come before the Board as a whole might be a way to satisfy Mr. Solaro that he was dealing with the issue at the Board level.

Commissioner Hartung asked if there would be the same issue with the Manager and a Commissioner. Mr. Lipparelli stated if they took any action upon themselves, such action would not fall under the Open Meeting Law but, if the Board designated individuals to take action, doing so would fall under the Open Meeting Law.

Chairman Humke suggested having the Manager go to whichever Commissioner was available when the need arose. Mr. Solaro said that would be helpful. He stated this was not about speeding things up, but was about meeting the deadline. He said the Board would vote on any of the decisions made at the appropriate time. He stated staff was just trying to ensure they did not go down a path the Board would not be comfortable going down.

Chairman Humke asked if enough direction was provided. John Slaughter, County Manager, replied there was. He stated if a policy question came up, his role would be to determine whether it fell within an existing policy or would he have to get a formal discussion before the Board on the particular issue.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Chairman Humke, which motion duly carried, it was ordered that staff be directed to handle possible policy issues regarding the merger of the Washoe County Water Utility and the Truckee Meadows Water Authority based on the above discussion.

14-0681 AGENDA ITEM 20 - MANAGER

Agenda Subject: "Discussion and potential direction to staff regarding potential bill draft requests for the 2015 Legislative Session. (All Commission Districts.)"

Al Rogers, Management Services Director, said today's emphasis was about gathering feedback from the Board about moving forward with any potential Bill Draft Requests (BDRs) based on issues identified in the last 90 days. He conducted a PowerPoint presentation regarding the County's legislative goals and platform issues, the main legislative timelines, upcoming legislative issues, the current BDRs, the interim legislative affairs team and management, and the next steps in the identification of legislative issues and the County's platform.

Commissioner Berchiger said the representatives of the Nevada counties who sat on the Tahoe Transportation District (TTD) and the Tahoe Regional Planning Agency (TRPA) Boards talked about legislation they believed would be coming up that would have a direct bearing on Lake Tahoe. She stated she would like Lake Tahoe added to the list of upcoming legislative issues, so those issues could be watched. She said regarding the Nevada Commerce Tax, Senator Moises Denis was interviewed about it, but he was very non-committal about anything it might contain. She stated some issues were brewing out in Lyon and Storey Counties, and Washoe County would have to work closely with our partners in northern Nevada who could be directly impacted by what the entities in southern Nevada decided to bring forward.

Chairman Humke said Senator Denis' bill was essentially a menu, because he believed the Senator wanted to have a full hearing on different taxation methods. He agreed with the need for teamwork with other entities. He said the Washoe County Sheriff's Office and the District Attorney's Office were often seen at the Legislature. He stated because there would be changes at the top, was there any hint on how they would be represented at the Legislature. He stated the relationships with the lobbyists and the Associations representing the various elected officials were important. He said Washoe and Clark Counties did not always agree, nor did they always agree with the Nevada Association of Counties (NACo) because of the different scenarios the various counties found themselves in; but there was also a lot that could be agreed on.

Commissioner Berkbigler said another important area to keep an eye on was what would be going on with the courts. She stated the judges had several issues they were looking at, which could have a direct bearing on the County. She stated John Slaughter, County Manager, was accustomed to watching those issues, so it would be a good experience for him to be standing on the outside instead of being in the middle of everything.

Chairman Humke asked if Mr. Rogers had any recommendations for BDRs at this time. Mr. Rogers replied nothing had yet been identified as a clear cut BDR for the County. He said there was no indication that the Sheriff's Office would change from Lt. Eric Spratley being at the Legislature, so the team would be intact.

Commissioner Jung spoke about the Manager and his previous role with the Legislature, noting she hoped to see him there more rather than less, especially during the transition time for the new Government Affairs Manager. She noted Mr. Slaughter built a great reputation and a tremendous level of trust with the Legislators. She stated that was his call to make, but she would hate to see all of that time and effort cultivating those relationships wasted.

Commissioner Jung requested having more meaningful interactions with the Legislators, including those representing southern Nevada. She said the power had shifted quite a bit to the south, and the more we could humanize who we were, while learning what their issues were, could make for a better partnership. She stated she did not want to do the breakfasts any longer, because she did not feel they were effective and there were things that could be done that would be a lot more fun. Kevin Schiller, Assistant County Manager, said there had been discussions about that, and staff was working with the Legislators representing northern Nevada on how to get the Legislators representing southern Nevada up here to do the mental health and indigent programing. He stated there was a potential threat during the Legislative session regarding indigent funds, and staff was trying to associate it with what we did well in the north.

Commissioner Hartung said regarding possible BDRs, online-sample ballots would save Washoe County hundreds of thousands of dollars and Clark County millions of dollars. Mr. Rogers stated staff was aware of that issue and would continue to monitor what had already been brought forward. He said they would look to find partners if there would be an ability to include that in a future BDR.

Commissioner Berkbigler said she was interested in seeing if there was some way to tweak Regional Planning, so it would be less onerous to the County. Commissioner Hartung suggested widening the scope of Regional Planning and making it a true regional process, rather than it just encompassing the City of Reno, the City of Sparks, and a portion of Washoe County.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Chairman Humke, which motion duly carried, it was ordered that the report on potential Bill Draft Requests (BDRs) be accepted.

14-0682 AGENDA ITEM 21 - MANAGER

Agenda Subject: "Update on medical marijuana establishments in the State of Nevada and Washoe County. Possible direction to staff on medical marijuana dispensary allocations and other matters pertinent to medical marijuana establishments in Washoe County."

Kevin Schiller, Assistant County Manager, reviewed the flowcharts attached to the staff report, outlining Phases 1 through 3 of the application process. He noted the State ranked the order of the applications by jurisdiction. He stated at the July 9th meeting of the Advisory Committee, there was a lot of discussion about the State versus the local process. He said the County was not doing a prescreening process to determine the rank order of the applicants, because the State had been very clear about there being a clear separation between the State scoring process and the application process. He said Washoe County's zoning letter had no impact on the scoring process and the letters were neutral with no prescreening being done, while Clark County did a prescreening process.

Mr. Schiller said he provided an update regarding the County's process at the Advisory Committee meeting, advised there were unallocated dispensaries that were at the Board's discretion, and verified the County was on task regarding the August 12th deadline. He stated there was also a discussion regarding revenue. He said the County had caps on what it could do in terms of fees, so he introduced options such as a shared excise tax or an exemption. He believed the County could work with a sponsor on a bill to gain some revenue.

Mr. Schiller stated if an applicant was selected, but the County could not approve them, the State had a rank order of the vendors selected for the dispensary allocation based on the jurisdiction. He said if one fell out of the process, the State would give the County the next name on their list. He stated once an applicant was selected and the County received notification, a lot of work by staff would be required. He said it would be critical to get the statement of revenue done within the 90-day timeframe, so the Board could take action on how those charges would be done.

Chairman Humke said in Phase 3 under the County's business license review, he asked if "yes" meant a yes by the County. Mr. Schiller stated "yes" meant they had a license and would not have to go back to the State. Chairman Humke asked what "yes" meant in Phase 2. Mr. Schiller said the applicant would be handed off to the County to continue the process. He stated there were ten total allocations with four being determined by the Board. He said out of the other six allocations, Reno had two, Sparks had two, and the County had two. He stated the August 12th meeting was the last meeting where the certification of the remaining four allocations could take place. He said if the

Board determined all four of the allocations would remain with Washoe County and they were certified, staff would notify the State, the State would ensure they were certified, and they would then become part of the rank-order process for the evaluation. He stated all applicants who met the provisional zoning requirements would be in the scoring process for Phase 2.

Chairman Humke said it appeared the State was concealing information from the County regarding the applicants. He stated at the Advisory Committee meeting, there was a lot of discussion about the confidentiality regarding who those applicants were and their rank order. He said as the County issued letters, it was keeping track of that information. He advised the State did not indicate whether or not the County could see the rank order of every applicant, because what information the State could release was still undergoing legal review.

Commissioner Berkbigler said besides the \$75 application fee, at what point would the Commission know what else it could charge people. Mr. Schiller stated legal counsel had been retained. He believed the model the County would move towards would be that of having shared revenue so, as the revenue rose, the County's fees would also go up. He said he referenced the 90-day window because as the business process started, the County should have its model in place tied to that revenue. Commissioner Berkbigler noted other communities had already put their financial models in place, and she asked if Washoe County was constrained by its ordinances. Mr. Schiller said it was because we were a County rather than a municipality, which put caps and limits on what the County could do in terms of the ceiling for those fees. Commissioner Berkbigler asked if that would be true for every other county in the State. Mr. Schiller replied Clark County did a little different model for their prescreening process, which was where they implemented a fee. He stated Washoe County did not do that as part of the process, because it was felt there might be some potential liability in doing so. He said something needed to be done in the upcoming Legislative session to address that.

Commissioner Berkbigler said it was illogical to expect any county could do the oversight process outlined in the document she had seen for nothing and expect them to stay solvent. She stated this was a State mandated project, which was once again an unfunded mandate. She said the County had to find a way to keep itself solvent. She said she did not believe the County was looking to raise a ton of money, unless that money could go to the Washoe County School District (WCSD) to repair the schools. She stated she was concerned there would be hidden costs in the whole process and, if the County could not find a way to fund those costs, the County would be looking at totally different budget next year.

Commissioner Jung said the County would get sales and property taxes from this. She stated an attorney had just been hired to try and identify where the legal fees could come from per Nevada Revised Statutes (NRS). She stated she was aware Mr. Schiller shared some of County's issues with the Advisory Committee. She did not believe this had been fully vetted at the Legislature, because it came up at the end of the

session. She believed the Legislators deserved a lot of credit for making it happen, because Nevada was considered to be a model for medical-marijuana dispensaries.

Commissioner Jung said the Proposed MME Uses for the City of Sparks and the Unincorporated County map in the staff report showed no one had applied to the City of Reno to get their zoning identification letter. Mr. Schiller said the City of Reno's four potential applicants were not shown on the map attached to the staff report or in the updated map just passed out to the Board, because he just found out about them. He stated the map he handed out showed 22 locations, but there had been a pre-meeting regarding a lab location in the City of Sparks. He said there might be a dispensary located on Mt. Rose Highway and a site for cultivation in the Verdi area. He said he would ensure the Commissioners got any updates in terms of where the locations would be. An updated copy of the Proposed MME Uses for the City of Sparks and the Unincorporated County map was placed on file with the Clerk.

Commissioner Jung noted there were seven potential dispensaries for the unincorporated County, while the County was allowed six. She said the County had been lobbied about the location of the dispensaries being a patient-access issue. She stated having a dispensary on a bus line would be a good idea for those people who did not have transportation.

Commissioner Hartung believed having only one lab in northern Nevada was an issue. He stated he would like to see a lab located in each of the Cities and one located in the County. He said the lab in southern Nevada was overworked and, if the lab in the City of Sparks failed, everything would come to a halt.

Chairman Humke said the County had to make a decision regarding the allocations on August 12th, but the County knew nothing about the City of Reno's applications. He noted the Criminal History Inquiry, shown on the Phase 3 chart, was a function to be performed by the County or the City granting the license. He felt that function more appropriately should be done at the State level, which might be something to address at the Legislature. He said he was contacted by a citizen who felt a real background check by trained investigators should be done. The citizen stated those investigators should go out and talk to the people listed as references to verify the information. He felt the County had the right to know that important information, so it could protect the public, and it should start looking for an agency to do that investigative work.

Commissioner Berkbigler felt it was illogical that the State did not do the criminal-history inquiries into the people they were vetting, because what would happen if they all had criminal histories. Mr. Schiller said he would confirm what the State was doing and would bring that information back to the Board.

Commissioner Berkbigler asked if Washoe County could get the surrounding counties' dispensaries due to their rejecting allowing them, because the

people in those counties would be coming here. She felt that was a logical question that should be asked of the State, since this was set up based on the number of pharmacies.

Mr. Schiller said the issues being discussed were all key issues that could be brought forward as we looked at possible BDRs. He stated the issues would be updated as a separate Board item along with being tracked in the Legislative update item.

Chairman Humke said the item on the Criminal History Inquiry was only half of the analysis. He said Nevada gaming did a criminal background check using investigators, along with a financial background check. He stated he saw those as being two halves of the same whole. He felt anyone saying they had \$250,000 had to be verified, rather than just allowing them to check the box indicating they had the money. Mr. Schiller said if it was determined the State did a minimal background check and the County would be responsible for doing the Criminal History Inquiry, he would bring back some potential options and models around what the County could implement. Chairman Humke stated staff should not be afraid to cost those things out, so they could be built into the County's next budget and the next set of applicants could be charged appropriately.

Commissioner Hartung advised the Commissioners had expressed some frustration, which was not aimed towards staff, but towards the State's process. He stated he did not want staff to feel the Board felt they had done a poor job, because they had done a great job. Mr. Schiller stated staff had been working hard to be as expeditious as possible, and he wanted to commend them on the record.

In response to the call for public comment, Cadence Matijevich, City of Reno's Assistant City Manager, explained the City felt the same frustrations as the County. She said the City believed it had not received any applicants earlier, because their business-license ordinance was just introduced last week; and it was believed the applicants had been waiting to see what the regulations would be and whether the Reno City Council would refer them for adoption at their next meeting. She stated some requests were received today. She advised the Board would receive a copy of the letters upon their issuance and the City's first letters were just issued today. She said the City's staff understood the County was under a deadline, and it was their intention to get the necessary information to the County so a decision could be made.

Chairman Humke stated he was intrigued by some of the aspects of the City's proposed business-license ordinance. He said he wanted to do things with the County's ordinances to make them ready for the MMEs, but it was hard to construct an ordinance that would properly capture costs and fees. Ms. Matijevich said the County's three-phase process was similar to the City's process. She stated the business license in Phase 3 would be a privileged business license and entirely new ordinances were written. She said the fee schedule was amended, and she noted the City was also under a business-license fee cap. She advised the fees needed to be tied back to recovering the cost of providing services. She said the City was looking at modeling its business licenses and fees on what was charged for alcohol. She stated that would encompass quarterly

flat-rate fees, which might create a challenge in recovering all of the staff costs incurred in setting this up and also for any ongoing costs. She stated Reno's staff anticipated participating in any dialog occurring at the upcoming Legislative session about possible amendments. She said the privileged business license would come forward to the City Council once the State gave them the ranked certificate holders and they went through the City's process. She said there were certain areas where the City might condition the license, but the City had not placed any confidentially provisions within the zoning and land-use regulations. She thanked the Chairman for the opportunity to clarify.

There was no action taken on this item.

Commissioner Weber thanked Mr. Schiller and staff for doing such a great job in putting the flowcharts together.

14-0683 AGENDA ITEM 22 - MANAGER

Agenda Subject: "Update on Washoe County Regional Animal Services Department, including acknowledge report on Washoe County Code Chapter 55.750 Dangerous Dog Determination; status report on Puppy Mills/Retail Sales; and results of audit/review of Animal Services by Kafoury, Armstrong; with possible direction to staff on related matters. (All Commission Districts.)"

Kevin Schiller, Assistant County Manager, said the Board directed staff to have an audit and review of the Washoe County Regional Animal Services done, and Kafoury, Armstrong & Co. was contracted with to conduct the audit. He stated the majority of what they found centered on cost-allocation planning and the County-wide Cost Allocation Plan (COWCAP).

Felicia O'Carroll, Kafoury, Armstrong & Co. Partner, said the procedures done relating to Animal Services were on what were known as "agreed upon procedures." She stated it was not an audit because it was not financial in nature. She said they met with the County Manager ahead of time to see what some of the rumblings were regarding Animal Services. She stated they wanted to know if staff understood what their job title was and what they were supposed to be doing. She said every staff member was interviewed, and she noted they were very accommodating. She stated they spoke very highly of their superiors and facilitated Kafoury's staff doing their work in a very short timeframe.

Ms. O'Carroll said in the report, Items 1-9 were what Kafoury agreed to do. She said Item 10 listed other items that they were not asked to look at, but came to their attention during the course of their work. She noted Kurt Schlicker, Kafoury, Armstrong & Co. Senior Accountant, did the work on the COWCAP, which took internal central service costs and allocated them to the various County departments, and a few areas were found involving Regional Animal Services.

Mr. Schlicker noted six allocations were tested. He said some Public Works Administrative costs were charged to the Animal Services Fund in Fiscal Year 2012/13, but Animal Services was temporarily assigned to the Sheriff's Office effective January 12, 2012. He stated the other item was the internal-audit costs for an Animal Services audit performed two years ago, which were allocated based on the direct time spent on an audit, but there were also costs for general activities such as attending Board meetings and such. He stated about 48 percent of the charge (estimated at \$22,750) for the general activities were allocated to Animal Services. Ms. O'Carroll noted the County's departments had a lot of opportunity to provide input regarding the Cost Allocation Plan through the budget process. She said in those two specific instances the way the COWCAP was set up did not make sense. She stated she worked with the County long enough to know she should let the County know if she came across something, even if it was not part of what they were required to do. Mr. Schiller said it was good that information was brought up so there would not be those issues moving forward because, as the department was stood up, staff was already working on an updated Cost Allocation Plan.

Commissioner Berkbigler asked if the payment due dates not being shown on the bills sent to the Nevada Humane Society (NHS) could be corrected in-house. Mr. Schiller said the Professional Services Agreement with NHS was being looked at to see if everything was accurate. He stated he would be working with the NHS Director to move that ahead.

Mr. Schiller said there was a meeting on July 15th where the public was invited to hear about the process for making changes to Chapter 55. He stated that meeting was an attempt at a new way of looking at Code issues where there would be significant public input. He stated the process would be to draft the Code changes and then legal and other staff would edit the document line-by-line. He said based on the changes needed to Chapter 55, staff was trying to get public input prior to that point by conducting topic-specific workshops. He stated the idea was to sort the data derived from the public's input to arrive at some percentages and to eventually get to a document that would summarize the public's input. He noted well over 250 people had responded since this was introduced on July 15th, and he believed the other topic areas would push the public input process into September 2014. He said the public was also being encouraged to go to the County's Animal Code web site so they could provide input. He stated the draft reflected the input received prior to July 15th.

Commissioner Hartung asked if there was the ability to add addendums to fortify Section 55.750, so people could be fined up to a certain amount. Mr. Schiller stated that had been the focus of some of the comments received. Commissioner Hartung said if a dog attacked his dog and killed it, that dog should be euthanized and there should be a fine. He stated the person whose dog was killed should not be forced to go through some civil process. Mr. Schiller said this process would look at those areas.

Mr. Schiller said the changes to Chapter 5 codified the Animal Services Department. He stated one area where he wanted to get direction from the Board was

about the composition of the Advisory Board regarding whether an elected from each jurisdiction would be on it or if it would consist of community members and stakeholders. He stated it also needed to be determined how many members it would have and in what percentages. He said he threw out the idea of an elected from each jurisdiction due to Animal Services being a regional program. He stated it did not have to be composed that way, but he wanted some feedback on what the Board wanted to see. Commissioner Hartung said he was not clear on what that board's duties would be and how long it would last. Mr. Schiller replied it would be an ongoing Advisory Board, like the Social Services Advisory Board. He said it would focus on setting up the Department in the beginning, but in the longer term, it would deal with issues in the community as a vehicle for public input.

Chairman Humke noted this would be a County department. He said he and the other Commissioners represented the residents of the City of Reno, the City of Sparks and the unincorporated County. He said the City of Reno's Housing Authority did not have a County representative on it even though it represented a lot of people in providing housing. Mr. Schiller stated he was open to Board's direction on how the Advisory Board should be set up. Commissioner Berkbigler said since it was already set up as Regional Animal Services, there would be advantages to having representatives on it from each political entity, along with the animal experts. She felt the Board would be the logical first step for people with animal issues to go to, rather than having to go to court.

Commissioner Hartung said he envisioned a board comprised of community members, professionals, and pet store owners. He stated if there was an issue that had to be adjudicated by the Board of County Commissioners, we would hear the issue from a fresh perspective. He said in the future, some very contentious issues could be heard and that Advisory Board would remove this Board from those initial proceedings.

Commissioner Jung said this would be an opportunity for the Cities and the County to make it a regional board. She noted the Cities forfeited monies when Animal Services was made a regional service. She felt the public should be asked about what they felt would be best. She believed Regional Animal Services did not have, nor did it ever have, great oversight. She said good oversight was needed, so the taxpayers would know that their fiduciary investment was being taken seriously. She agreed with Commissioner Hartung that having a good board, which was comprised of residents from all of the jurisdictions, would act like a buffer in case an issue had to come before the Commission. She said the problem was anytime passionate issues and passionate constituents were being dealt with, sometimes those boards got packed with lunatics, and then this Board would have to try and deal with them. She said Washoe County was the number one county in America in which to be a homeless animal, because they would not euthanized due to a space issue. She felt staff was beginning to get an idea of the direction the Commissioners were heading, but she felt the Cities should be asked what they wanted to do as well. She said the City of Reno did a remarkable job of putting together a moratorium on new pet shops. She stated there had to be a way staff could

figure out how to make Animal Services be the best for every person who paid taxes here. Mr. Schiller said standing up the Animal Services Department was a great opportunity to figure out how to provide the best services as a County with our regional partners. He stated Chapter 5 could be crafted to have a little more generic flavor, which could be fine-tuned during the process. Commissioner Jung indicated a good model would be the Social Services Advisory Board, because Animal Services and Social Services had a lot of extremely passionate people in common.

Mr. Schiller said he had enough direction on the above issues and he appreciated the debate, because it would help him formulate where to go.

Mr. Schiller said retail sales and puppy mills were connected. He noted the City of Reno adopted a moratorium on April 16, 2014, which would be effective for a maximum of 180 days. He said the moratorium did not allow any business licenses to be filed to establish a pet store. He stated that 180-day timeframe fit into our Code process, so we could collaborate with the City of Reno on our Code changes relating to retail sales and puppy mills. He said one of the issues was how Animal Services would regulate and monitor the retail sales, which was tied to inspections and standards. He stated everyone was aware of what happened when proper care was not taken of the animals in the pet stores and left many puppies suffering from parvovirus. He said the regulatory process around that needed to be strengthened.

Mr. Schiller stated the other issue was that of regulating where the animals came from, because many of them came from puppy mills in California and were in poor condition. He said a Code change could address that. He stated the Code change for the control of retail sales was fairly straightforward and could be very stringent. He said regarding the puppy mills, he wanted to have Board direction to explore in the workshops, the area of controlling where the animals came from. He said the question was would that control be County driven, northern Nevada driven, or State driven. He stated rules could be put in regarding what the facilities must have if that was where the animals were coming from.

Commissioner Jung said this could be a bill draft request (BDR). She said she loved every idea so far, especially keeping the public meetings topic specific, but it still needed to go before the public before she would be willing to provide any direction. She suggested researching best practices, and stated staff was doing a wonderful job on a tough subject.

Mr. Schiller said Reno's moratorium would end in October, and he could bring the draft Code to the Board then. He stated some pieces of the Code might be sectioned out if necessary, so some things could be expedited. Commissioner Jung said when the dates were being projected, could they also anticipate when the new Director would be on board. She felt the new Director might bring some structure and great ideas to the table.

Commissioner Berkbigler stated the Code changes relating to the selling of puppies and where they came from should not interfere with commerce when it related to the “good” stores, and there were many of those in California. She said banning all puppies that came from California would not be a workable solution. She stated she appreciated what Mr. Schiller was doing and felt he was moving in the right direction.

Mr. Schiller said the national recruitment firm would be here this week and would be meeting with the stakeholders to help with the development of the recruitment packet. He stated as the issue of where the puppies were coming from and the certification process were looked at, they would also be looking at the processes and staffing necessary to do that. He said Animal Services had a dedicated fund and there was some ability to use that fund, so the staffing needs would be prioritized. He stated they did not want to set everything up and just hand it to the new Director, but would continue to work on the foundation.

Commissioner Berkbigler said the new Director needed to be aware of the partnership with the NHS, which was a no-kill facility within the same building as Animal Services. Mr. Schiller stated the recruiters would be meeting with NHS, Animal Services staff, the Society for the Prevention of Cruelty to Animals (SPCA), and himself to get a well-rounded perspective, so the recruitment would do what would be advantageous for the County.

Commissioner Weber said it was great that the NHS was a no-kill shelter, but this Board had not taken that position for Regional Animal Services, which should be made clear. Commissioner Berkbigler said her comment did not indicate in any way that Regional Animal Services should immediately become a no-kill facility, but there was a partnership with the NHS that was a no-kill facility. She said the new Director would have to understand that. Commissioner Jung felt that issue should wait for the new Director, who might be able to provide policy recommendations. She understood Commissioner Weber’s need to put that on the record, but that was done by a previous Commission.

Chairman Humke said page 4 of the staff report said the recommended threshold was five litters per year before a commercial breeders’ license was required. He asked if people were coming forward and saying puppy mills were bad and dog breeders were also bad. Mr. Schiller said there was discussion on July 15th on that topic, which indicated there was clearly a differentiation between the two. Chairman Humke said that was good, because he felt all Commissioners had constituents who bred dogs as a hobby or for economic gain, but they loved their animals. He stated he hoped they would not automatically be defined as puppy mills.

Mr. Schiller stated Chapter 55, Section 750, was about dangerous dogs. He said the assessment process when a dangerous dog was brought in was a very positive process in how NHS assisted in the certification and in terms of the instrument used to look at dangerous dogs. Commissioner Hartung said he was not familiar with the MAAP

canine evaluation predictive tool. He asked if someone had to be on staff to evaluate the dog. Mr. Schiller said Animal Services used the NHS and their certification process.

Kevin Ryan, NHS Chief Executive Officer, stated Assess-a-Pet and MAAP were evaluation tools, with MAAP being the most predictive. He said there was a wait of four to five days to access a dog, which allowed their chemical levels to return to normal. He stated after the evaluation, they notified Animal Services whether it was "yes" or "no" and why. He said if requested, the evaluation results would be shared and those files were kept on every dog. Commissioner Hartung asked if a dog would have to have done something to end up in the program. Mr. Ryan explained it could have been a stray. He noted Animal Services picked up a lot of animals that were not behaviorally dangerous but were running at large, and any animals that went through NHS for any reason were assessed. He said there were some dogs that would not allow them into their cages to evaluate them, so the NHS would not transfer them. He said the mission of the NHS was to create a no-kill community, but their most sacred responsibility was to keep the community safe as best they could by using the best science available. Commissioner Hartung said he had been under the impression that the discussion was about dangerous dogs, and he had not been working it backwards through every dog that went into the system.

Commissioner Berkbigler asked what happened when dogs attacked, it was a second offense, and they were clearly violent to other animals. Bobby Smith, Animal Services Field Supervisor, stated when a citizen was walking their dog and were attacked by another dog, under Code there had to be two offenses within 18 months before the first thing could be done. He stated that was used if there was an accidental bite, but then there was an aggressive action within the same 18-month period. He said when that occurred, Animal Services could request dangerous dog determination. He stated the second thing that could be done under Section 3 was a person who was attacked or whose animal was attacked and killed could go before a judge to have the attacking animal deemed dangerous. He stated the third thing that could be done, which was usually the case, was if the animal was deemed dangerous, the citizen needed to follow Washoe County Code. He advised more than 50 percent of the people surrendered the animal that was deemed dangerous, which was humanely euthanized. He said they must comply with Code and come into compliance if they said they wanted to take care of their animal.

Mr. Smith said the proposed Code would increase the insurance requirements and the County's authority to get hold of any dangerous animals and to ensure they were held properly. He stated if the owners did not properly contain them, criminal citations were issued and they were brought before a judge. He said if it was a serious issue, the judge would be asked for an order to euthanize the animal.

Commissioner Hartung said the issue he had with that was the dog had already killed his dog, but now he had to wait 18 months to see if the dog would do it again. He stated that was his perception, which was also the public's perception, and he had a real issue with that. He cited the issue with some dogs in Spanish Springs breaking

out of their enclosure, entering a neighbor's house through a doggy door, and killing the dogs inside. He stated for him that would be a one-time deal. Mr. Smith said that was where Section 3 would be used. He stated that one-time incident could be brought forward to have the animal deemed dangerous. He said because it was a civil process, what was lacking was the monetary fines. Commissioner Hartung said even though the animal was deemed dangerous, the County could not euthanize it. Mr. Smith said that was correct. Commissioner Hartung said he hated to have any animal killed, but if a dog got into his fenced yard and killed his dog, Animal Services would not have to worry about it. Mr. Smith stated he understood. He said in Nevada, an animal was a piece of property. He stated one thing being looked at was if Animal Services could go straight to a judge based on the evidence and request the animal be euthanized. Commissioner Hartung said some consequence was needed in the Code.

Mr. Schiller said at the July 15th meeting, feedback was received regarding dangerous dogs and that feedback would be discussed in terms of the Code changes regarding how penalties were assessed and how the process worked. Commissioner Hartung said he wanted to put protections in place and not wait to see if the dog did the same thing again, which would be inaction on the Board's part and would make us culpable as the policy makers. He stated there was an opportunity to revisit this and to put some stringent penalties in the Code, right down to euthanizing the animal.

Commissioner Berkbigler agreed with Commissioner Hartung. She said dogs should be saved if possible, but a dog who broke into someone else's home and killed their dogs or a dog that attacked and killed another dog on the road needed to be taken care of and not turned loose. Mr. Schiller stated it was about balancing the public safety concerns and the community's needs. He said the feedback he already received mirrored a lot of what the Commissioners were saying.

Commissioner Jung said dogs that would break into a home and kill other dogs were clearly crazy, and there would not be a whole lot that could be done at that point because that behavior could not be trained out of them. She stated in a civilized society there was due process but, if that happened in her yard, the due process would be very different and most animal owners felt that way.

Commissioner Hartung said this was not an easy process and everyone involved had done a great job.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that the update be acknowledged.

14-0684 AGENDA ITEM 23

Agenda Subject: "Discussion and possible action with regard to administrative matters pertaining to the Washoe County Board of Commissioners, including the

service of individual Commissioners on various boards and commissions and the adopted Rules and Procedures for the Board of Commissioners. Possible action taken may include appointment and reappointment of Commissioners to boards and commissions, alteration of terms of service on boards and commissions where legally permissible, amendment, additions to and/or repeal of the 2012 Rules and Procedures, and such other action as the Board of Commissioners may desire to take in regard to these administrative matters. (All Commission Districts.)"

John Slaughter, County Manager, noted the opening policy statement in the Board's Rules and Procedures dated back to 1997/98. He recommended the Board consider directing staff to take a look at those rules and procedures. He said if staff was directed to look at the rules and procedures, they would come back to the Board with some proposals to amend them. Chairman Humke said that was a great suggestion. Mr. Slaughter said this was put on the agenda because one of the rules was the Board's Rules and Procedures be reviewed every six months, so this item was a part of that normal process.

Commissioner Jung requested staff look at the best practices. She also requested staff provide recommendations and some options, along with the philosophy behind those options.

Commissioner Berkbigler said she was appointed to the Internal Audit Committee on January 8, 2013, which was a one-year term. She asked if anything had to be done. Chairman Humke stated in January 2015, the newly sworn Commission would probably want to make those appointments.

Commissioner Weber requested the Verdi Water Service Oversight Advisory Board be removed from the list of Commission Boards/Committees, since a meeting had not been held since around 2004 or 2005.

There was no public comment or action taken on this item.

14-0685 AGENDA ITEM 26

Agenda Subject: "Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to."

Commissioner Jung said she would be attending the District Board of Health Board meeting on Thursday.

Commissioner Berkbigler stated she attended the Aces' baseball game during the Navy recruiters' night, and a group of recruits were sworn in. She said she attended the Economic Development Authority of Western Nevada's (EDAWN) Major Investors Dinner, where it was announced the producers of the first flying car would be relocating to the area and would hire between 80 and 120 people with an average starting salary in the \$70,000 range. She noted this year was the 100th-year anniversary of the

State of Nevada giving women the right to vote. She stated she would be attending the Tahoe Regional Planning Agency (TRPA) meeting and her Commissioner Comment meeting tomorrow at Incline Village, while her Incline Village Citizen Advisory Board (CAB) meeting would be held on Monday. She stated she attended the Tahoe Transportation District (TTD) meeting, where the bike trails and roundabouts in the Incline Village area were discussed.

Commissioner Weber said the Nevada Association of Counties (NACo) Board meeting would be held in Gerlach on August 22nd, and the Commissioners would take a tour of Burning Man, so they could see how the City was set up and how the public works infrastructure required for Burning Man worked. She stated the Regional Transportation Commission (RTC) meeting would be held on Friday and the Reno Sparks Convention and Visitors Authority (RSCVA) meeting would be held on Thursday. She stated the RSCVA would be working on their strategic plan, which would be an ongoing process.

Chairman Humke stated he attended the meeting of the Investment Committee this morning and the County's investments were going well.

Commissioner Hartung said the Nevada Land Transfer Task Force had its final meeting and submitted some changes that all of the counties agreed on. He said once those changes were formalized, he would ask staff to bring them back sometime in August at the latest. He felt the Board would like what was done. He noted the Truckee Meadows Water Authority (TMWA) Board held its annual picnic, which featured a pit barbecue and was phenomenal.

PUBLIC HEARINGS

14-0686 AGENDA ITEM 24 – COMMUNITY SERVICES

Agenda Subject: "Second reading and adoption of an Ordinance approving a "First Amendment to Development Agreement (Montreux Subdivision, TM0007-002)" amending a Development Agreement originally approved in 2010 (DA10-001) regarding the Montreux 2000 Subdivision (approved in 2000 as Tentative Map TM0007-001). This amendment (Case No. AC14-004) extends the duration of the agreement and extends the deadline for filing the next in a series of final subdivision maps to July 24, 2019, with a possible extension by the Director of the Planning and Development Division to July 24, 2021. The subdivision is located approximately 550-feet south of the Mount Rose Highway (SR 431) via Bordeaux Drive, and within Sections 3 & 10, T17N, R19E, MDM, Washoe County, Nevada. (APN: 148-010-57, 148-351-08, 148-222-24). (Commission District 2.)"

6:00 p.m. The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Ordinance No. 1538, Bill No. 1719.

In response to the call for public comment, Mark Schimpf said his concern was there was a dirt road behind his house. He stated when the construction started, the dust started flying. He said County staff was able to get someone to put down a vegetable solution to keep the dust down in 2008. He said the economic crash reduced the traffic on the road to just the homeowners, but now the activity and the dust problem was starting up again. He stated he was asking for some direction on how to get the road paved or at least some way of keeping the dust down and deter speeding.

Chairman Humke suggested Mr. Schimpf talk to Bob Sader, who was a Montreux representative, and Bill Whitney, Planning and Development Division Director about his concerns. Commissioner Hartung said if necessary, he would be happy to entertain a Board item to ask the developer to put a surfactant on the road to hold the dust down. Commissioner Weber agreed.

On motion by Commissioner Berkbiger, seconded by Commissioner Chairman Humke, which motion duly carried, Chairman Humke ordered that Ordinance No. 1538, Bill No. 1719, entitled, "AN ORDINANCE APPROVING A "FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (MONTREUX SUBDIVISION, TM0007-002)" AMENDING A DEVELOPMENT AGREEMENT ORIGINALLY APPROVED IN 2011 (DA10-001) REGARDING THE MONTREUX 2000 SUBDIVISION APPROVED IN 2000 AS TENTATIVE MAP TM0007-002). THIS AMENDMENT (CASE NO. AC14-004) EXTENDS THE DURATION OF THE AGREEMENT AND EXTENDS THE DEADLINE FOR FILING THE NEXT IN A SERIES OF FINAL SUBDIVISION MAPS TO JULY 24, 2019, WITH A POSSIBLE EXTENSION BY THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DIVISION TO JULY 24, 2021. THE SUBDIVISION IS LOCATED APPROXIMATELY 550-FEET SOUTH OF THE MOUNT ROSE HIGHWAY (SR 431) VIA BORDEAUX DRIVE, AND WITHIN SECTIONS 3 & 10, T17N, R19E, MDM, WASHOE COUNTY, NEVADA. (APN: 148-010-57, 148-351-08, 148-222-24)," be approved, adopted, and published in accordance with NRS 244.100.

14-0687 AGENDA ITEM 25 – DISTRICT ATTORNEY

Agenda Subject: "Second reading and adoption of an Ordinance initiating the merger of the South Truckee Meadows General Improvement District into the Truckee Meadows Water Authority and terminating the existence of the South Truckee Meadows General Improvement District and its Board of Trustees; providing for an interlocal agreement for merger between the South Truckee Meadows General Improvement District and the Truckee Meadows Water Authority; providing for written notice of the proposed merger to property owners within the STMGID boundary, together with the time and place for hearing on the

merger; and providing for other matters properly relating thereto. (All Commission Districts.)"

6:10 p.m. The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Ordinance No. 1539, Bill No. 1720.

Steve Cohen, South Truckee Meadows General Improvement District (STMGID) Board of Trustees (BOT) Chair, said the merger and dissolution of STMGID had been an emotional issue but, when the emotions were removed from the discussion on water, this solution would be best for the region. He hoped the Truckee Meadows Water Authority (TMWA) would continue to keep the politics out of the water issue and that STMGID's residents would continue to receive high quality water at low rates as they had for the last 30 plus years. He thanked all of the Commissioners that STMGID had worked with over the years.

Chairman Humke said he had been involved in the water issue centering in the Virginia Foothills since his legislative service. He thanked Mr. Cohen and all of the STMGID Board members past and present for their work. He felt this would be the most efficient and the best answer for the taxpayers.

Commissioner Weber thanked Mr. Cohen, and said she felt this would be the best situation for everyone. She also thanked the staff who had worked on STMGID over the years.

Chairman Humke said it was a good decision to make the STMGID Local Managing Board (LMB) the STMGID BOT, which he felt should have been done sooner. He thanked staff for their tireless work. He stated they did a great service in assisting the Board in managing STMGID properly, and he noted the STMGID LMB Board members always agreed with the assessment that staff did a great job.

Paul Lipparelli, Legal Counsel, said this initiating ordinance would start the process of the dissolution of STMGID and would direct the Clerk to distribute information cards to STMGID's property owners. He said the property owners would have until September to submit any protests and, after September, the Board would act on a second ordinance to actually dissolve STMGID. He advised STMGID's and TMWA's arrangement to merge was tied to the closing of the merger between Washoe County's Water Resources and TMWA. He stated if something happened to delay or stop that merger, this dissolution would not go into effect.

Commissioner Hartung thanked and congratulated staff, including TMWA's staff, for all of their work to make this come together. He stated STMGID's ratepayers would have a very reliable system and TMWA would do a great job for them.

Chairman Humke said Jim Galloway, former Washoe County Commissioner, analyzed the issues and, with staff, created the water balancing analysis. He stated Commissioner Galloway's work was tireless with citizens, ratepayers, staff, and STMGID's Local Managing Board. He thanked Commissioner Galloway for his work on STMGID.

On motion by Commissioner Hartung, seconded by Chairman Humke, which motion duly carried, Chairman Humke ordered that Ordinance No. 1539, Bill No. 1720, entitled, "AN ORDINANCE INITIATING THE MERGER OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT INTO THE TRUCKEE MEADOWS WATER AUTHORITY AND TERMINATING THE EXISTENCE OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT AND ITS BOARD OF TRUSTEES; PROVIDING FOR AN INTERLOCAL AGREEMENT FOR MERGER BETWEEN THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT AND THE TRUCKEE MEADOWS WATER AUTHORITY; PROVIDING FOR WRITTEN NOTICE OF THE PROPOSED MERGER TO PROPERTY OWNERS WITHIN THE STMGID BOUNDARY, TOGETHER WITH THE TIME AND PLACE FOR HEARING ON THE MERGER; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted, and published in accordance with NRS 244.100.

14-0688 AGENDA ITEM 27

Agenda Subject: "Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220. "

There was no closed session scheduled.

14-0689 AGENDA ITEM 29 – PUBLIC COMMENT

Agenda Subject: "Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole. "

There was no response to the call for public comment.

COMMUNICATIONS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

14-0690 Nevada Department of Transportation - Notice of Completion - Contract No. 3569, Project No. SP-000M(207), SR 445 Pyramid Hwy MP WA 11.00 – 43.98; SR 447 Gerlach Rd MP WA 35.00 -49.00, Washoe County.

14-0691 Nevada Department of Transportation - Notice of Completion - Contract No. 3570, Project No. SPSR-208(10), SR 208 Topaz/Yerington Rd.; SR 447 Gerlach Rd., Lyon, Washoe Counties.

FINAL BUDGETS

14-0692 North Lake Tahoe Fire Protection District – Final Budget for Fiscal Year Ending June 30, 2015.

14-0693 Palomino Valley General Improvement District – Final Budget for Fiscal Year 2014-2015.

14-0694 Washoe County School District – Final Budget for Fiscal Year 2014-2015.

* * * * *

6:24 p.m. There being no further business to discuss, the meeting was adjourned without objection.

DAVID HUMKE, Chairman
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Jan Frazzetta, Deputy County Clerk*

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

AUGUST 12, 2014

PRESENT:

David Humke, Chairman*
Bonnie Weber, Vice Chairperson*
Marsha Berkbigler, Commissioner
Kitty Jung, Commissioner
Vaughn Hartung, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:02 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

14-0697 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.”

Garth Elliott said he called the County’s Technology Services Department about making the staff reports for the Commission meetings available for people with mobile devices, because the staff reports were the meat of the agenda. He complained he had six more agenda items he wanted to speak about at the last meeting, but the Board took a lunch break before they were heard, and he had to leave the meeting due to health reasons.

Levi Hooper said he came before the Board a few months ago and indicated he wanted to be an advocate for the homeless. He provided his phone number and said the Board should feel free to call him with any questions.

Sam Dehne said he attended a Washoe County School District Board of Trustees meeting that had 987 people in attendance. He believed the high number in attendance was due to the firing of the District’s Superintendent. He advised any actions taken in violation of the Open Meeting Law would be void.

***10:10 a.m.** Commissioner Weber arrived.

14-0698 AGENDA ITEM 4 – ANNOUNCEMENTS

Agenda Subject: “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas, Statements Relating to Items Not on the Agenda and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”

Commissioner Hartung said he and Commissioner Weber attended the opening of the Mogul Fire Station, which was a wonderful event. He reviewed the Station’s costs and its dimensions. He noted the Station housed a four-man crew, was centrally located, and would serve the community well. He said the Barrett-Jackson event held during Hot August Nights was amazing, and he thanked the City of Reno’s Mayor Cashell for getting them to come to the area for Hot August Nights. He read the card Bruce Osgood sent to the Board thanking them for the proclamation they did honoring him. Commissioner Hartung said Mr. Osgood was a one-man cleanup crew of the trash discarded on Pyramid Highway, and he thanked Mr. Osgood again for what he did every single day. Acting Chairperson Jung thanked Commissioner Hartung for honoring Mr. Osgood, because it was important to encourage that type of civic activity.

Commissioner Hartung requested an agenda item for a presentation by the American Radio Relay League to thank the Board for recognizing them in a proclamation. He also wanted an agenda item to provide the County Manager with a small stipend to pay for lunches he had with other public officials, which he currently paid for out of his own pocket. Commissioner Berkbigler agreed.

Commissioner Weber requested an agenda item to discuss the Sierra Sage Golf Course. She noted the Truckee Meadows Fire Protection District’s (TMFPDs) Station 13 was located next door to the golf course, but was not able to respond to any calls from there due to not being located within the City of Reno’s boundaries. She felt it was time to have a discussion about the possibility of de-annexing the golf course from the City of Reno.

Commissioner Weber stated many good presentations were made to the Board such as the presentation by Waste Management regarding single-stream recycling. She said she wanted to explore the best way to get that information to the Citizen Advisory Boards (CABs).

Commissioner Hartung requested an agenda item to get an update on the Joint Use Agreement with the DUI Task Force for the use of this facility, because they did not have a place where they could meet comfortably. He said he and Chairman Humke gave direction to staff to look at what it would take for the Task Force to use this facility, which he noted would not cost the taxpayers anything. Commissioner Berkbigler felt that was an excellent idea. She said there had been a conversation with the Washoe

County School District (WCSD) regarding their using this facility when they needed more room to hold meetings. She requested a report on where that stood.

Acting Chairperson Jung said one of the speakers during public comment brought up the fact that mobile devices could not view the staff reports that were available on the County's web site, and she felt getting that fixed should be made a priority. She stated she would also like staff to look at some best practices regarding what made a good agenda. She said that should include doing a better job of figuring when an item might be heard, so the public did not have to sit around waiting so long for an item.

14-0699 AGENDA ITEM 5 – RESOLUTION

Agenda Subject: “Resolution--Robert Herbert, Brigadier General in the United States National Guard. Requested by Commissioner Weber.”

Commissioner Weber read and presented the Resolution of Congratulations to United States National Guard Brigadier General Robert Herbert. Brigadier General Herbert thanked the Board for the Resolution. He said he worked for two of the best people in the world, the Adjunct General Burkes, who he assisted in doing things for the National Guard in Nevada, and Senator Harry Reid, who had been a friend and mentor for around 18 years. He said he was working to make Nevada and the County a better place to live.

There was no public comment on this item.

Acting Chairperson Jung said Brigadier General Herbert's being present today was an honor. Commissioner Perkbigger congratulated Brigadier General Herbert and noted this was a well-deserved honor. Commissioner Hartung thanked Brigadier General Herbert for the leadership he provided, which was extremely important for the troops. He stated everything the troops did came back to having good leadership.

Acting Chairperson Jung said she hoped Brigadier General Herbert could create some more high schools to flight schools in the Washoe County School District (WCSD), because she felt there would be a lot of students who would like to participate.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

10:34 a.m. Vice Chairperson Weber assumed the gavel.

CONSENT ITEMS – AGENDA ITEMS 6A THROUGH 6L

14-0700 AGENDA ITEM 6A

Agenda Subject: “Approve minutes for the Board of County Commissioners' July 8, 2014 meeting.”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6A be approved.

14-0701 AGENDA ITEM 6B – ASSESSOR

Agenda Subject: “Roll change requests for errors discovered for the 2014/15, 2013/14, 2012/13, 2011/12, 2010/11 unsecured tax rolls and authorize Chairman to execute the Order and further direct the Washoe County Treasurer to correct the error(s) and notify the taxpayer if an adjustment to the tax bill is necessary [cumulative amount of reduction \$90,640.28]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6B be authorized, executed, and directed.

14-0702 AGENDA ITEM 6C – DISTRICT ATTORNEY

Agenda Subject: “Approve payments [\$4,753] to vendors for assistance of 28 victims of sexual assault and authorize Commissioner to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6C be approved and authorized.

14-0703 AGENDA ITEM 6D – HUMAN RESOURCES

Agenda Subject: “Approve Confidential Undersheriff and Chief Deputy Sheriffs 2% Cost of Living Adjustment in base wage and Salary Structure Adjustment effective July 1, 2014; a 1% Cost of Living Adjustment effective January 1, 2015; and effective July 1, 2014 increase the employee uniform allowance from \$200 to \$250 per quarter; increase the safety equipment allowance from \$100 to \$125 per quarter; and in lieu of the standard vest, the employee may receive the current cost of the standard issue vest (\$400) to be used toward the purchase of a Level II or Level III Ballistic Vest issued in accordance with the current distribution process

and not to exceed the increased amount of \$800 per vest. The projected fiscal year impact is estimated at \$89,598. (All Commission Districts.)”

Commissioner Hartung thanked the Sheriff's Office (SO) for working with the Board on getting this money to be used for the ballistic vests. He felt it was unconscionable that such an integral piece of equipment was not being provided. He thanked those men and women who put themselves between us and harm's way every day here and throughout the nation.

Commissioner Jung thanked Commissioner Hartung for bringing the need for the ballistic vests to this Board's attention during the labor negotiations. She said the Board was never told about the need for the vests, and they were shocked when they heard about it. Commissioner Hartung advised that the thanks should go to Deputy Tim Ross, who made him aware the ballistic vests were not provided for the Deputies. He said the Commissioners agreed if the vests saved just one life, the cost would be worth it.

There was no public comment on this item.

On motion by Commissioner Berkbiger, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6D be approved.

14-0704 AGENDA ITEM 6E – JUVENILE SERVICES

Agenda Subject: “Approve Interlocal Agreement between the Board of Regents of the Nevada System of Higher Education (University of Nevada, Reno) and Washoe County, through its Department of Juvenile Services, which establishes a cooperative program for students from the Department of Criminal Justice to earn school credit and enhance their career development under the supervision of Department of Juvenile Services’ staff; effective upon Board approval through June 30, 2017. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbiger, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6E be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

14-0705 AGENDA ITEM 6F – LIBRARY

Agenda Subject: “Approve conversion of a 21-hour, benefitted Library Aide position (Control # 70001962) to a 15-hour, non-benefitted Library Aide position; approve retention of the salary savings within the Library general fund budget for a potential future upgrade of a Librarian position and other operating expenditures;

and direct the Comptroller to make any necessary adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6F be approved and directed.

14-0706 AGENDA ITEM 6G(1) – COMMUNITY SERVICES

Agenda Subject: “Request that the Chair appoint, and the Board of County Commissioners approve the appointment of Gregory Prough (District 4) to the Washoe County Planning Commission for a term beginning August 12, 2014, and ending June 30, 2017, or until such time as a successor is appointed. (All Commission Districts.)”

Commissioner Hartung congratulated Gregory Prough on his appointment to the Planning Commission.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that the appointment of Gregory Prough (District 4) to the Washoe County Planning Commission for a term beginning August 12, 2014, and ending June 30, 2017 be approved.

14-0707 AGENDA ITEM 6G(2) – COMMUNITY SERVICES

Agenda Subject: “Appoint Eric Young as Washoe County’s alternate member on the Tahoe Regional Planning Agency, Advisory Planning Commission. (Commission District 1.)”

Commissioner Berkbigler thanked Eric Young, Planner, for agreeing to serve as Washoe County’s alternate member on the Tahoe Regional Planning Agency, Advisory Planning Commission.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6G(2) be approved.

14-0708 AGENDA ITEM 6G(3) – COMMUNITY SERVICES

Agenda Subject: “Approve a new Building Inspector position, pay grade L, as evaluated by the Job Evaluation Committee - annual impact [estimated at \$93,576]; adopt Resolution to augment the budget of the Washoe County Building and Safety Enterprise Fund [\$93,576]; and direct the Comptroller’s Office to make the appropriate adjustments. (All Commission Districts.)”

Commissioner Hartung noted a new Building Inspector position was being created due to the area climbing out of the pit created by the economic downturn.

There was no public comment on this item.

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6G(3) be approved, adopted, and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

14-0709 AGENDA ITEM 6H(1) – MANAGER

Agenda Subject: “Accept a 2014 Nevada State Emergency Response Commission, Hazardous Materials Emergency Preparedness Training grant [\$19,763, no County match required], retroactive for the period of June 25, 2014 through September 30, 2014; authorize Chairman to execute Resolution to subgrant funds to other governments and nonprofits which make up the Local Emergency Planning Committee (LEPC) as follows: \$17,248 to Sparks Fire Department/TRIAD; \$2,515 to North Lake Tahoe Fire Protection District; authorize the County Manager, or his designee, to sign subgrant contracts with local LEPC members; and direct the Comptroller’s Office to make the appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6H(1) be accepted, authorized, executed, and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

14-0710 AGENDA ITEM 6H(2) – MANAGER

Agenda Subject: “Accept a 2015 State Emergency Response Commission, United We Stand grant [\$30,000, no match required] from Nevada State Emergency Response Commission. Grant term: July 15, 2014 through June 30, 2015; authorize the Chairman to execute a Resolution to subgrant funds to other governments and non-profits which make up the Local Emergency Planning Committee as follows: \$9,029 to Regional Emergency Medical Service Authority; \$7,581 to Washoe County

School District; \$13,390 to Reno Tahoe Airport Authority; authorize the County Manager, or his designee, to sign subgrant contracts with the Local Emergency Planning Committee members; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6H(2) be accepted, authorized, executed and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

14-0711 AGENDA ITEM 6I(1) – SHERIFF

Agenda Subject: "Acknowledge receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Board of Directors for fiscal year 13/14. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6I(1) be acknowledged.

14-0712 AGENDA ITEM 6I(2) – SHERIFF

Agenda Subject: "Approve Law Enforcement Funding Agreement between Black Rock City LLC and Washoe County, on relation of the Washoe County Sheriff's Office to provide reimbursement for extra staffing needed in the Gerlach/Empire area during the annual Burning Man Festival for 2014. Estimated total reimbursement for staffing is \$85,000 for law enforcement activities related to the 2014 Burning Man Event. (Commission Districts 5.)"

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6I(2) be approved.

14-0713 AGENDA ITEM 6I(3) – SHERIFF

Agenda Subject: "Approve Sheriff's Security Agreement between Red, White, and Tahoe Blue (RWTB) and the Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security (costs to be reimbursed by Red, White, and Tahoe Blue) during 2014 through 2018 Red, White, and Tahoe Blue 4th of July Celebrations to be held in Incline Village, Washoe County. Start date is retroactive to July 4, 2014;

and if approved, direct Comptroller's Office to make necessary budget adjustments. (Commission District 1.)"

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6I(3) be approved and directed.

14-0714 AGENDA ITEM 6J – COMMUNITY SERVICES

Agenda Subject: "Accept cash donations [\$300,000] from the Wilbur May Foundation; \$200,000 restricted for Fiscal Year 2014-15 general operating support of the Wilbur D. May Center, excluding all County overhead expense items, and \$100,000 restricted to support Fiscal Year 2014-15 temporary exhibits at the Wilbur D. May Museum (Commission District 3.)"

On behalf of the Board, Commissioner Jung thanked the Wilbur May Foundation for its cash donation in support of the Wilbur D. May Center's operations and for temporary exhibits.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6J be accepted.

14-0715 AGENDA ITEM 6K – MANAGER

Agenda Subject: "Accept monetary donations to Washoe County Regional Animal Services [\$6,997.50] for the period of April 1, 2014 – June 30, 2014 to be used for the humane care and treatment of sick and/or injured, stray or abandoned animals received; express appreciation for these thoughtful contributions; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)"

On behalf of the Board, Commissioner Jung thanked the donors for their generous monetary donations to Washoe County Regional Animals Services for the humane care and treatment of sick and/or injured, stray, or abandoned animals.

In response to the call for public comment, Garth Elliott thanked individuals who donated almost \$7,000 to the animal shelter. He implored people to foster or adopt the animals at the shelter.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6K be accepted and directed.

14-0716 AGENDA ITEM 6L – SENIOR SERVICES

Agenda Subject: “Accept cash donations [\$6,271.03] for the period of April 1, 2014 through June 30, 2014 for the fourth quarter of FY 13/14; and direct the Comptroller to make the appropriate budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Jung thanked the donors for their cash donations to the Senior Services Department.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6L be accepted and directed.

BLOCK VOTE – AGENDA ITEMS 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, AND 22

***11:00 a.m.** Chairman Humke arrived during the reading of the block vote items, prior to the vote.

14-0717 AGENDA ITEM 7 – PURCHASING

Agenda Subject: “Recommendation to approve balance of award of Washoe County Bid No. 2843-13 for Security Guard Services to Alert Security Asset Protection, 625 Margrave Drive, Suite 100, Reno, NV 89502 at the contracted rate of \$15.48 per hour (\$23.22 per hour for work performed on County-observed holidays) and \$8.00 per site visit for patrol services, on behalf of the Operations and Maintenance Division of the Washoe County Community Services Department; and authorize the Purchasing and Contracts Manager to execute a one year agreement retroactive to July 1, 2014, with the County retaining an option to renew the agreement for one additional year. The estimated budget for security guard services in FY 15 [approximately \$100,000] funded from Community Services with the potential for another [\$20,000] from other departments including Senior Services, Health, and Registrar of Voters on an as-needed basis. The annual amount indicated may vary depending on the number of actual hours of service requested over the course of each fiscal year. (All Commission Districts.)”

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 7 be approved, authorized, and executed.

14-0718 AGENDA ITEM 8 – DISTRICT ATTORNEY

Agenda Subject: “Recommendation to approve Professional Services Agreement between Washoe County and Martin--Ross and Associates LLC for service of legal process papers involving the business of the Washoe County District Attorney's Office [annual total approximately \$130,000]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8 be approved.

14-0719 AGENDA ITEM 9 – JUVENILE SERVICES

Agenda Subject: “Recommendation to approve acceptance of a Specialized Foster Care Room and Board Funding from the Department of Health and Human Services – Juvenile Justice Programs Office [\$349,176.32, no match required] to provide treatment and programming to youth referred to the Washoe County Department of Juvenile Services. The grant award period is retroactive 7/1/14-6/30/15; and direct the Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 9 be approved and directed.

14-0720 AGENDA ITEM 10 – MANAGER

Agenda Subject: “Recommendation to approve Community Development Block Grants from the Nevada Governor's Office of Economic Development [\$60,000] for Access to Healthcare Network, grant period retroactive from July 1, 2014 through December 31, 2015; and [\$180,900] for Food Bank of Northern Nevada, grant period retroactive from July 1, 2014 through June 30, 2015; and if accepted, authorize Chairman to execute grant documents and approve the Sub-Grant Agreement between Washoe County and Access to Healthcare Network [\$60,000], and the Sub-Grant Agreement between Washoe County and Northern Nevada Food Bank [\$180,900]; approve Resolutions necessary for same; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10 be approved, authorized, executed, and directed. The Resolutions for same are attached hereto and made a part of the minutes thereof.

14-0721 AGENDA ITEM 11 – SOCIAL SERVICES

Agenda Subject: “Recommendation to authorize the creation of a 1.0 FTE, fully benefitted, full-time Mental Health Counselor II position [estimated cost \$122,000] to be supported by existing Federal Adoption Incentive Funds and if approved, direct the Human Resources Department to make necessary staffing adjustments and initiate the recruitment process. (All Commission Districts.)”

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 11 be authorized, approved, and directed.

14-0722 AGENDA ITEM 12 – SOCIAL SERVICES

Agenda Subject: “Recommendation to accept a Subgrant Award from the State of Nevada Department of Health and Human Services Division of Public & Behavioral Health retroactive to July 1, 2014 through June 30, 2015 [\$150,000, no County match required] and authorize the creation of a 1.0 FTE, fully benefitted, full-time Behavioral Health Program Coordinator, to be evaluated by the Job Evaluation Committee; direct the Controller’s Office to make the necessary budget adjustments and the Human Resources Department to make necessary staffing adjustments and initiate the recruitment process. (All Commission Districts.)”

Commissioner Hartung asked what would happen to the employee after the grant expired. Kevin Schiller, Assistant County Manager, said the employee would be notified the position’s funding was specific to the grant before being hired. Commissioner Hartung stated there had been other instances where the grant funding had been used to fund a position, which became an issue when the funding went away. He said he liked to build a position if it was truly needed, and he had several conversations with Mr. Schiller regarding the needs in Social Services and Senior Services, which was sadly growing. He stated he wanted to make sure the County was not bound in some way, and he asked if the language in the grant forced the County to keep the employee after the grant expired. Mr. Schiller replied there was no obligation on the backside of that funding.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 12 be accepted, authorized, and directed.

14-0723 AGENDA ITEM 15 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to accept a Nevada Community Development Block Grant from the Governor’s Office of Economic Development retroactively for the period of July 1, 2014 through December 31, 2015 [\$205,304 with County match of \$27,503 for in-kind services of staff time and indirect costs] for the Sun Valley Second Avenue Sidewalk project; and if approved, execute a Notice of Grant Award and direct the Comptroller’s Office to make the appropriate budget adjustments. (Commission District 3.)”

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 15 be accepted, approved, executed, and directed.

14-0724 AGENDA ITEM 16 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to approve Memorandum of Understanding, A Contract between the State of Nevada Acting by and through its Department of Conservation and Natural Resources and Washoe County, a Political Subdivision of the State of Nevada Acting by and through its Community Services Department-Regional Parks and Open Space to extend the funding arrangement on State Question 1 projects retroactive to July 1, 2014 through June 30, 2019. (All Commission Districts.) To be heard before Agenda Items #17, #18 and #19.

Vice Chairperson Weber said regarding Agenda Items 16 through 19, she asked for an accounting of what was left of the State Question 1 funding. Dave Solaro, Community Services Director, said the staff report for this item provided a full accounting of the projects and their status. He stated items 17, 18, and 19 still had to be completed; and the negotiations were in progress for the Truckee River Acquisitions. He said around \$496,000 was left in the State Question 1 funding, which would be used to purchase a parcel along the Truckee River. He noted the majority of the bond money had been spent or was in the process of being spent.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 16 be approved.

14-0725 AGENDA ITEM 17 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to approve Amendment #1 to “Agreement Regarding November 2002 State Questions 1: Parks and Open Space Bond Issue-Truckee River West Truckee River Pathway Restoration Project Funding” [increase by \$75,744 for a total of \$308,444 State Question 1 Truckee River Bond Funds] between Washoe County and City of Reno; and authorize the Comptroller’s Office to make the appropriate budget adjustments (Commission District 1.) To be heard after Agenda Item #16 and before Agenda Items #18 and #19.”

Commissioner Hartung asked where the increase of \$75,744 would come from. He said he noticed there were matching project funds being provided by the City of Reno, and were those dedicated funds. Dave Solaro, Community Services Director, replied the funds were there for the City of Reno, and the \$75,744 came from the contingency with State Question 1 monies.

See Agenda Item 16 for further discussion regarding this item.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 17 be approved and authorized.

14-0726 AGENDA ITEM 18 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to approve Funding Agreement State Question-1 Truckee River Land Acquisition-Hoss Parcel Project (APN 084-212-05) [\$29,500-State Question 1 Truckee River Bond Funds] between Washoe County and The Nature Conservancy. (Commission District 4.) To be heard after Agenda Items #16 and #17 and before #19.”

See Agenda Item 16 for the discussion regarding this item.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 18 be approved.

14-0727 AGENDA ITEM 19 -- COMMUNITY SERVICES

Agenda Subject: “Recommendation to approve Agreement Regarding November 2002 State Question 1: Parks and Open Space Bond Issue – Truckee River Rock Park Restroom-Project Funding [\$530,438-State Question 1 Truckee River Bond Funds] between Washoe County and City of Sparks; and authorize the

Comptroller's Office to make the appropriate budget adjustments. (Commission District 3.) To be heard after Agenda Items #16, #17 and #18."

See Agenda Item 16 for the discussion regarding this item.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 19 be approved and authorized.

14-0728 AGENDA ITEM 20 – COMMUNITY SERVICES

Agenda Subject: "Recommendation to approve an Intergovernmental Funding Agreement Regarding Residential Construction Tax For Neighborhood Park Development within Sun Valley Park District 2D between Washoe County and Sun Valley General Improvement District [approximately \$127,018.76 Sun Valley Park District 2D Residential Construction Tax]; and authorize Comptroller to make the appropriate budget adjustments--Community Services (Commission Districts 3 and 5.)"

In response to the call for public comment, Garth Elliott said the people of Sun Valley rescued the pool and the parks several years ago, which was done by a group of people who least could afford it. He stated they did it nonetheless, because they knew it was important for the kids to have something to do. He said the sign in front of the pool was 16-years old and was badly rusted and the Sun Valley General Improvement District (SVGID) desperately needed the money set aside to do the work on the parks and the pool.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 20 be approved and authorized. The Intergovernmental Funding Agreement for same is attached hereto and made a part of the minutes thereof.

14-0729 AGENDA ITEM 21 – COMMUNITY SERVICES

Agenda Subject: "Recommendation to acknowledge receipt of a status report subsequent to the first three horse racing events located at 6205 Grass Valley Road, Palomino Valley, as directed by the Board of County Commissioners when granting approval of Special Use Permit Case Number SB13-008 (De La Luz) on July 23, 2013, for 20 one-day horse racing events during the months of May, June, July, August and September of each year; and consideration and possible action to add a new condition of approval as follows: "All conditions of approval shall be met to the satisfaction of each reviewing agency a minimum of three days prior to each horse racing event. If all conditions are not met to the satisfaction of each reviewing

agency a minimum of three days prior to each horse racing event, then the horse racing event shall not take place. (Commission District 5.)”

Vice Chairperson Weber said a status report was received for this item and directed that the Board wanted staff to follow through with what was recommended in the report.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 21 be acknowledged and added.

14-0730 AGENDA ITEM 22 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to adopt a Resolution pursuant to NRS 533.550 making findings that the sale of 3,064.77 acre feet of water rights located in Dry Valley and Warm Springs is consistent with the prudent, long-term management of the water resources within the county; will not deprive residents and businesses of reasonable access to water resources for growth and development; is a reasonable means of promoting development and use of the water right; and ensures that through the sale the county receives the actual value of the water right or comparable economic benefit; and other matters properly relating thereto. (Commission District 5.)”

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 22 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

11:00 a.m. Chairman Humke assumed the gavel.

14-0731 AGENDA ITEM 13 – COMMUNITY SERVICES

Agenda Subject: “Introduction and first reading of an Ordinance amending Washoe County Code Chapter 110, Development Code, at Article 302 (Allowed Uses) and Article 304 (Use Classification System) to reduce regulatory barriers to the production and sale of food in certain regulatory zones, and to amend use definitions to authorize community gardens and increase opportunities for local, small scale food production; and providing for other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the Ordinance for August 26, 2014 at 6:00 p.m. (All Commission Districts.)”

Nancy Parent, County Clerk, read the title for Bill No. 1721.

Commissioner Jung said this Ordinance had been a long time coming, and she and Commissioner Weber worked hard to bring the concept of artisanal food and community gardens to fruition.

In response to the call for public comment, Garth Elliott said Sun Valley had a community garden, which was being used by the Boys and Girls Club. He stated pushing this forward was a great thing, because community gardens needed to be everywhere. He said there was no charge for the produce that came out of the Sun Valley community garden. He thanked the Commissioners who got behind this Ordinance, which would allow people to take advantage of locally grown produce during northern Nevada's short growing season.

Bill No. 1721, entitled, "AN ORDINANCE AMENDING VASHOE COUNTY CODE CHAPTER 110, DEVELOPMENT CODE, AT ARTICLE 302 (ALLOWED USES) AND ARTICLE 304 (USE CLASSIFICATION SYSTEM) TO REDUCE REGULATORY BARRIERS TO THE PRODUCTION AND SALE OF FOOD IN CERTAIN REGULATORY ZONES, AND TO AMEND USE DEFINITIONS TO AUTHOIRZE COMMUNITY GARDENS AND INCREASE OPPORTUNITIES FOR LOCAL, SMALL SCALE FOOD PRODUCTION; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

14-0732 AGENDA ITEM 14 – COMMUNITY SERVICES

Agenda Subject: "Introduction and first reading of an Ordinance approving the "First Amendment to Development Agreement (Broken Hills Subdivision)" amending a Development Agreement originally approved in 2009 (DA09-003) regarding the Broken Hills Subdivision (approved in 2005 as Tentative Map TM05-012). This amendment (Case No. AC14-003) extends the deadline for filing the next in a series of final subdivision maps to August 25, 2019, with a possible extension by the Community Services Department, Planning and Development Division Director to August 25, 2021. The subdivision is located west of Kinglet Drive and Calle De La Plata and directly west of the Spanish Springs Airport and is currently undeveloped within Section 21, T21N, R20E (APN: 089-621-01, 089-632-01, 02, 03, 04 & 05); and, if approved and found to be consistent with the Master Plan, schedule a public hearing, second reading and possible adoption of the Ordinance for August 26, 2014. (Commission District 4.)"

Nancy Parent, County Clerk, read the title for Bill No. 1722.

There was no public comment on this item.

Bill No. 1722, entitled, "AN ORDINANCE APPROVING THE "FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (BROKEN HILLS SUBDIVISION)" AMENDING A DEVELOPMENT AGREEMENT

ORIGINALLY APPROVED IN 2009 (DA09-003) REGARDING THE BROKEN HILLS SUBDIVISION (APPROVED IN 2005 AS TENTATIVE MAP TM05-012). THIS AMENDMENT (CASE NO. AC14-003) EXTENDS THE DEADLINE FOR FILING THE NEXT IN A SERIES OF FINAL SUBDIVISION MAPS TO AUGUST 25, 2019, WITH A POSSIBLE EXTENSION BY THE COMMUNITY SERVICES DEPARTMENT, PLANNING AND DEVELOPMENT DIVISION DIRECTOR TO AUGUST 25, 2021. THE SUBDIVISION IS LOCATED WEST OF KINGLET DRIVE AND CALLE DE LA PLATA AND DIRECTLY WEST OF SPANISH SPRINGS AIRPORT AND IS CURRENTLY UNDEVELOPED WITHIN SECTION 21, T21N, R20E (APN: 089-621-01, 089-632-01, 02, 03, 04 & 05)," was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

14-0733 AGENDA ITEM 24 – MANAGER

Agenda Subject: "Update on medical marijuana establishments in the State of Nevada and Washoe County. Possible direction to staff on medical marijuana dispensary allocations and other matters pertinent to medical marijuana establishments in Washoe County."

Kevin Schiller, Assistant County Manager, said the staff report provided an update on the applications received and their locations. He introduced Chris MacKenzie, an attorney with Allison - MacKenzie, LTD, who was retained as the Board's legal counsel to handle any medical marijuana issues.

Mr. MacKenzie noted there had been some confusion in the legal community regarding to what extent advice could be provided regarding medical marijuana. He stated currently, it was left to what the attorney reasonably believed was in the Constitution and how that regarded the dispute between federal law and state law. He said he hoped to provide some guidance to the Board with the understanding that the federal law was still what it was. He noted depending on the administration, the priorities of enforcement might change, and the applicants were all quite aware of that risk. He said he was here to protect the County in developing and reviewing the County's ordinances by providing whatever input he could until further guidance was received from the Supreme Court, which hopefully would happen soon.

Mr. Schiller said the City of Reno requested an increase in its dispensary allocations from two to five. He noted there were 10 dispensaries total, with four remaining unallocated and awaiting possible action today. He advised only the number of dispensaries was capped. He stated the current application process with the State was open, but the County had to notify the State regarding the dispensary allocations prior to August 18, 2014. He said if the Board took action on the location of the four dispensaries, he would notify the State to ensure they were certified before the request for applications was reviewed.

Mr. Schiller reviewed the table on page 2 of the staff report, which gave a sense of what the numbers looked like when the staff report was written. He advised medical marijuana was a hot topic, and the web site had almost 700 visitors to date.

Commissioner Jung said the City of Sparks had only two dispensaries, but nine applications had been received for the zoning letter. Mr. Schiller said there had not been a formal request from the City of Sparks for an increase in their allocation.

Chairman Humke said the recommendation was to take action today regarding the allocation of the four dispensaries, but he felt the County needed to look at the process the State went through to make sure the applications the County received matched up fairly well to the State's ranking system before considering the four allocations. Mr. Schiller said based on how the regulations were written, the allocation and certification of the remaining four dispensaries required the Board to take action prior to the closure of the application phase. Chairman Humke stated that did not make any sense, because the State had not completed their process. Mr. Schiller said basically what was happening was at the county level, and once the allocations were identified, they became certified through the State. He stated as the State scored those applicants, they would be ranked by jurisdiction and sent down to each specific jurisdiction. He said hypothetically speaking if Washoe County had four, the top ranked one through four applicants would be provided at the completion of the State's evaluation phase of those applicants. He stated the State had been very clear that its scoring process was separate from the County's allocation process. He said the State disallowed allocation of the dispensaries after the applications were received and scored. Chairman Humke said if the four allocations were not allocated to the County or anyone else, no one knew where they went. Mr. Schiller said the answer he received was if they were not allocated through Board action, they would be returned to State for some level of review; but they would not be certified for future allocation.

Commissioner Berkbigler said the City of Reno asked for three of the unallocated dispensaries, which would leave one for the County due to the City of Sparks not wanting any additional allocations. She stated it seemed appropriate, when looking at the distance between Incline Village, the South Valleys, and the North Valleys, to give two of the allocations to the City of Reno and retain two for the County, so the County would have a total of four dispensaries.

Chairman Humke suggested allocating one more dispensary to the City of Reno, based on the County's widespread population and on the numbers shown in the table on the bottom of page 2 of the staff report, which indicated the County had almost 50 percent of all of the applications.

Commissioner Jung said even though she did not know how long the attorney had been on board, she believed it was the intent of the law to allow some revenue sharing or trading with any other municipality who would like the County to allocate a dispensary to them. She asked if Mr. MacKenzie had a conversation with the City of Reno on what they would be willing to do if the County gave them one or two

dispensaries. Mr. MacKenzie said he had been on board for four days and had not had a conversation with the City of Reno, but he would be happy to do so. He stated the statute contained a provision allowing someone to grow their own medical marijuana if they were not within 25 miles of the dispensary. He said all of those considerations had to be taken into account. Mr. Schiller stated that issue was taken to the City of Reno, and they indicated they were not interested in revenue sharing. Commissioner Jung said if the City of Reno was given one or two allocations, would that be reviewed periodically or would they keep them in perpetuity. Mr. Schiller believed there would be an annual review once the allocations were dispersed, but he believed that review had more to do with increased allocations. He said he anticipated seeing a BDR that would address that specific issue. Commissioner Jung asked if the four allocations reverted to the County due to the population issue. Mr. Schiller felt it was tied to the population and to the County being the regional entity.

Commissioner Hartung reminded the Board that this was not styled as an action item, but as direction to staff. John Slaughter, County Manager, said the Board could take action to direct staff to formally make the request to the State regarding the allocations.

Commissioner Weber said because of the County's land-mass, it needed every one of the unallocated dispensaries. She felt allocating one additional dispensary to the City of Reno would be fair and equitable. Commissioner Berkbighler said she was fine with doing that, because she was also concerned with the widespread need the County had.

Chairman Humke said there had been some talk about reallocating the dispensaries, because some of the counties said they did not want any of them. He stated there had also been a call to update the 2013 legislation. He believed the City of Reno would have additional chances for additional allocations. He did not feel the City of Reno was being shut out, but that the County was availing itself of the law.

Commissioner Weber noted Washoe County had issued 33 zoning letters, the City of Reno had issued 17, and the City of Sparks had issued 20. She said the County had issued almost double the number of letters the City of Reno had issued, so it made sense to give one allocation to the City of Reno. She felt that seemed fair based on the numbers.

Commissioner Hartung felt it would be disingenuous on the part of the City of Reno to say their citizens would only use dispensaries located within the City of Reno's boundaries. He said because of the way the County was looking to spread its allocations all over the County, there would be opportunities for the citizens to use those dispensaries.

Chairman Humke discussed the service area of the Regional Transportation Commission (RTC) and how they did not go to dispensaries located at Incline Village, Washoe Valley, and so on due to how the bus routes were dispersed. He

stated the RTC also had a special service serving people needing to get to medical appointments and to their place of employment.

Commissioner Berkbighler asked if the State was taking into consideration where the dispensaries would be located when looking at the applications. Mr. Schiller stated one of the scoring categories was related to community access.

Commissioner Weber said the RTC was talking about increasing the amount of transit in the area, which had been needed for a long time. She stated it would be interesting to have a discussion regarding having some type of service by the RTC to the dispensary locations. Commissioner Hartung stated there was a great deal of consternation at the RTC every time rethinking the routes was brought up. He noted there were a number of places that needed to be served, such as the dialysis center on Vista Boulevard.

In response to the call for public comment, Garth Elliott felt only having two dispensaries in Sun Valley would be unrealistic due to the large population of older people and people with fibromyalgia, which could benefit immensely from medical marijuana. He noted other areas had higher concentrations of applicants.

Commissioner Hartung said there were requests for two dispensary locations in Sun Valley, and the Board had no control over the requests. He suggested lobbying the applicants.

Commissioner Berkbighler made a motion that staff be directed to allocate one additional dispensary to the City of Reno, with the County retaining the other three, for a total of five allocations for the County. Chairman Humke seconded the motion. Mr. MacKenzie said there was a statutory requirement that if any municipality in the County exceeded 25 percent of the allocations, there needed to be a finding of anticipated demand. Commissioner Berkbighler amended the motion to say, "Based on the numbers of requests for dispensaries and the spacing we were seeing, I would recommend that the County retain three of the four that were remaining to be assigned and to assign one to the City of Reno." Chairman Humke believed Mr. MacKenzie was including making the finding that if there was a City with 25 percent or more of the allocations, the mover would make the finding that an additional allocation was indicated. He asked if that would be acceptable. Mr. MacKenzie said that would be acceptable, because it would indicate the anticipated demand or service requirements would justify providing the City of Reno allocations in excess of the 25 percent. Commissioner Berkbighler asked if that would also be true for the City of Sparks. She said they had only requested what they were originally allocated but, if it was being based on the grouped population rather than the spread out population, she said she was confused about what the finding needed to be. Mr. MacKenzie said if any one municipality in the County was granted more than 25 percent of the total ten dispensaries, there needed to be a finding that there was a basis for exceeding that 25 percent. He stated that finding needed to be made due to three of the 10 being 30 percent.

Chairman Humke stated the language for the motion regarding the findings would be that the City of Sparks did not request additional allocations, while the City of Reno did. He said due to the previous discussion regarding the relatively dispersed population, that indicated Washoe County would retain five of the license allocations. Mr. MacKenzie said staff should be directed to notify the State of the ultimate allocations. Commissioner Hartung asked if it would be wise to reference the table on page 2 of the staff report showing the specific types of medical-marijuana facilities by jurisdiction. Chairman Humke said staff could be encouraged to send a copy of it to the State along with the allocation information.

Commissioner Berkbigler said she wanted to discard her original motion and accept Chairman Humke's motion as the original motion. Chairman Humke said the seconder agreed to the withdrawal of the Commissioner Berkbigler's original motion. He said since Commissioner Berkbigler made the original motion, he suggested the language be included as a new motion by Commissioner Berkbigler. Commissioner Berkbigler said that was acceptable. Chairman Humke seconded the motion. Paul Lipparelli, Legal Counsel, said the District Attorney's Office was not providing counsel regarding the issues relating to medical marijuana issues, but was still here to make sure the Open Meeting Law was observed. He advised the motion should be to direct staff to take action. He stated if the Board wanted to be more precise about its position on these issues, a future board item could be scheduled to adopt more specific statements.

Commissioner Berkbigler said the Board would be giving direction to staff to retain 50 percent of the dispensaries. She stated based on advice from legal counsel, it needed to be made as direction to staff. She said the motion start by stating, "In direction to staff..." Mr. Lipparelli said the reason he jumped in was there was an informal motion a long time ago by Commissioner Hartung, then Commissioner Berkbigler made a motion, which adopted some or what he suggested earlier as an amendment to the motion. He stated he wanted to make sure when the Board voted, the motion was properly couched as direction to staff, which was all the Board was authorized to do today under this agenda item. Chairman Humke said there had been a great deal of scrutiny under the Open Meeting Law recently, and he felt it would be a safe amendment if Commissioner Berkbigler would indicate the motion was intended as direction to staff.

Commissioner Berkbigler stated the motion was intended as direction to staff. Chairman Humke said he agreed to that amendment as the seconder. Mr. Slaughter said he understood the agenda item was for possible direction to staff regarding possible medical marijuana-dispensary allocations. He stated the motion on the table was to notify the State regarding the Board's desires and the details could be found in the previous discussion. Commissioner Berkbigler agreed that was what her motion was about. Chairman Humke said the mover moved to amend and the seconder agreed. He stated a great deal of care was being taken, because someone might challenge the Board's action. He said if the action was challenged and the Board's motion was not a good motion, then the State's timeline would be missed.

Nancy Parent, County Clerk, said it started out as Commissioner Berkbigler's motion with Chairman Humke's amendment, which was pulled. She requested the motion be restated due to the many amendments and motions. Chairman Humke suggested Mr. MacKenzie draft a motion based on the discussion and include his, Mr. Lipparelli's, and the County Manager's input and advice. He stated this motion had to be very specific. Commissioner Hartung asked if the Board was asking Mr. MacKenzie to craft a motion while this item was tabled. Chairman Humke asked if that would be acceptable to Mr. Mackenzie. Mr. MacKenzie replied it was.

Commissioner Weber said it would be important to take care of this today, and she suggested Chairman Humke's motion be restated. Chairman Humke advised the motion was already being drafted, so he was not suggesting an excessive delay.

Commissioner Hartung stated an ounce of prevention could save the Board from being called out at some future point. He said he agreed with Chairman Humke that this item should be tabled, other items on the agenda discussed, and then this item would be reopened.

11:50 a.m. Agenda Item 24 was tabled until after Agenda Item 23 was heard.

11:55 a.m. The Board reopened Agenda Item 24 for further discussion.

Mr. MacKenzie read the motion, which was as follows, "To direct staff to notify the State of Nevada that the allocation of marijuana dispensaries to the City of Reno be increased to three, based on the determination that to do so would be necessary to ensure that the more populous areas of the County have access to sufficient distribution of marijuana for medical use. Further, to direct staff to notify the State of Nevada that the allocation of marijuana dispensaries to the County of Washoe be increased to five." Commissioner Berkbigler accepted the motion as read. Chairman Humke seconded accepting the motion. On the call for the vote, the vote was 5-0 in favor of the motion. A copy of the motion written by Mr. MacKenzie was placed on file with the Clerk.

14-0734 AGENDA ITEM 23 – DISTRICT ATTORNEY

Agenda Subject: "Introduction and first reading of an Ordinance amending Chapter 50 of the Washoe County Code (Public Peace, Safety And Morals), amending Sections 50.090 and 50.092 to remove certain restrictions on the discharge of firearms in portions of Warm Springs; and providing for other matters properly relating thereto. (Commission District 5.)"

Nancy Parent, County Clerk, read the title for Bill No. 1723.

In response to the call for public comment, John Glatthar said the amendments to the Ordinance would be an appropriate change for the area.

Cathy Glatthar thanked the Board and especially Commissioner Weber for bringing this change to fruition. She said Paul Lipparelli, District Attorney's Office, did a great job with the staff report because it covered everything, and she thanked the Sheriff's Office for their input and cooperation on this effort.

Commissioner Weber said this was an opportunity for the community to move into a direction they really wanted. She stated the Glatthars worked with staff to work out the changes, which showed things could be changed if people were willing to sit down and work with staff. She thanked the staff who had been involved with this ordinance change and the Glatthars for coming forward with some rational points that staff could work with. She also thanked Mr. Lipparelli for his work on writing some of the changes.

Bill No. 1723, entitled, "AN ORDINANCE AMENDING CHAPTER 50 OF THE WASHOE COUNTY CODE (PUBLIC PEACE, SAFETY AND MORALS), AMENDING SECTIONS 50.090 AND 50.092 TO REMOVE CERTAIN RESTRICTIONS ON THE DISCHARGE OF FIREARMS IN PORTIONS OF WARM SPRINGS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Weber, and legal notice for final action of adoption was directed.

14-0735 AGENDA ITEM 25 – REPORTS AND UPDATES

Agenda Subject: "Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to."

Commissioner Berkonler said the Tahoe Summit would be held on August 19, 2014 and would be sponsored by California Senator Dianne Feinstein. She noted the Lake's clarity was improving, but it was not yet where it needed to be. She said she would be attending the Debt Management Commission (DMC) meeting on Friday, and there would be a couple of issues that would later come back to the Commission. She stated the Tahoe Transportation District (TTD) meeting was held on August 8th, where work continued on the stateline-to-stateline bike route. She said they were trying to figure out how to get some funding, and she had been working with the County Manager to determine if funds from the Parks and Recreation area could be used. She stated the project being worked on between Bull Wheel Summit and the Somers Loop Lake Access now had attorneys representing both sides, but did not have an Assessor to assess all of the properties. She said that project would likely be on hold for several months.

Commissioner Weber said there would be a Nevada Works Board meeting on October 10, 2014, which she would be working with Commissioner Jung on since she expressed an interest in taking that Board over. She stated there would be a Regional Transportations Commission (RTC) meeting on Friday, where the discussion would center on having more transit in the community and the different mechanisms for providing that transit. She said the Reno Sparks Convention and Visitors Authority (RSCVA) meeting would be held on the fourth Thursday of the month.

Commissioner Jung said she attended an anniversary of Medicare and Social Security, which was well attended by people from throughout the State. She said yesterday she was on the Flume trail and hiked up to the Bull Wheel to see what we had been talking about, which was never the same as looking at a map. She said she would be attending the Sierra Nevada Job Core Center's 35th anniversary of being in our community and its 50th national anniversary on August 22nd.

Commissioner Jung stated the Regional Parks and Open Space Commission met last week and was working on the entire section of Code regarding the park facilities. She said they were also looking at changing their meeting structure, because they had to meet nine times a year per Ordinance. She stated they might change the meetings to quarterly and would declare an emergency meeting if needed.

Commissioner Hartung stated the Nevada Land Transfer Taskforce made its recommendations. He said that item would be on the next agenda so the Board could see what had been talked about. He said because he realized it was not already in the recommendations, he requested an addendum to the language being sent out that any potential revenues coming from the use or sale of the lands could be used for schools, senior services, social services, veterans, or anything that would benefit the community. He stated that would be important for Washoe County due to the growing social needs.

Commissioner Weber said during the opening celebration of the Mogul Fire Station, a gentleman approached her about putting in a trail to the abandoned flume, and she asked staff to look into it. She said the Nevada Association of Counties (NACo) meeting in August would be held in Gerlach. She stated the Commissioners would be able to take a tour of Burning Man so they could see how the city was set up. She thanked all of the people who worked so hard on the Burning Man event, and noted it provided a great deal of economic impact to our community.

14-0736 AGENDA ITEM 26 – CLOSED SESSION

Agenda Subject: "Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220."

There was no closed session.

14-0737 AGENDA ITEM 28 – PUBLIC COMMENT

Agenda Subject: "Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole."

There was no response to the call for public comment.

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12:13 p.m. There being no further business to discuss, on motion by Commissioner Berkgigler, seconded by Commissioner Jung, which motion duly carried, the meeting was adjourned.

DAVID HUMKE, Chairman
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Jan Frazzetta, Deputy County Clerk*

Pending Board Approval